

- 2. ZONING BY-LAW AMENDMENT – 2 FOURTH AVENUE, 364, 368, 370 AND 372 QUEEN ELIZABETH DRIVEWAY AND 1 FIFTH AVENUE**
- MODIFICATION DU RÈGLEMENT DE ZONAGE – 2, AVENUE FOURTH, 364, 368, 370 ET 372, PROMENADE QUEEN ELIZABETH ET 1, AVENUE FIFTH**

### **COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 2 Fourth Avenue, 364, 368, 370 and 372 Queen Elizabeth Driveway and 1 Fifth Avenue to permit the development of a planned unit development consisting of two low-rise apartment buildings totaling 18 units, with a shared underground parking structure, as detailed in Document 3.**

### **RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification au *Règlement de zonage* (n° 2008-250) relative au 2, avenue Fourth, aux 364, 368, 370 et 372, promenade Queen Elizabeth et au 1, avenue Fifth afin de permettre l'aménagement d'un complexe immobilier composé de deux immeubles d'appartements de faible hauteur, totalisant 18 logements, et d'un parc de stationnement souterrain partagé, comme le précise le document 3.**

### **DOCUMENTATION / DOCUMENTATION**

1. Acting Deputy City Manager's Report, Planning and Infrastructure, dated 10 August 2015 (ACS2015-PAI-PGM-0128).

Rapport du Directeur municipal adjoint par intérim, Urbanisme et infrastructure, daté le 10 août 2015 (ACS2015-PAI-PGM-0128).

2. Extract of draft Minutes, Planning Committee, 22 September 2015

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 22 septembre 2015

**Report to  
Rapport au:**

**Planning Committee / Comité de l'urbanisme  
September 22, 2015 / 22 septembre 2015**

**and Council / et au Conseil  
October 14, 2015 / 14 octobre 2015**

**Submitted on August 10, 2015  
Soumis le 10 août 2015**

**Submitted by  
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**Ward: CAPITAL (17) / CAPITALE (17)**

**File Number: ACS2015-PAI-PGM-0128**

**SUBJECT: Zoning By-law Amendment – 2 Fourth Avenue, 364, 368, 370 and 372  
Queen Elizabeth Driveway and 1 Fifth Avenue**

**OBJET:**        Modification du Règlement de zonage – 2, avenue Fourth, 364, 368, 370 et 372, promenade Queen Elizabeth et 1, avenue Fifth

## **REPORT RECOMMENDATION**

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 2 Fourth Avenue, 364, 368, 370 and 372 Queen Elizabeth Driveway and 1 Fifth Avenue to permit the development of a planned unit development consisting of two low-rise apartment buildings totalling 18 units, with a shared underground parking structure, as detailed in Document 3.

## **RECOMMANDATION DU RAPPORT**

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au *Règlement de zonage* (n° 2008-250) relative au 2, avenue Fourth, aux 364, 368, 370 et 372, promenade Queen Elizabeth et au 1, avenue Fifth afin de permettre l'aménagement d'un complexe immobilier composé de deux immeubles d'appartements de faible hauteur, totalisant 18 logements, et d'un parc de stationnement souterrain partagé, comme le précise le document 3.

## **EXECUTIVE SUMMARY**

### Assumption and Analysis

The development proposal consists of a planned unit development of two low-rise apartment buildings, with a shared underground parking structure, for a total of 18 units.

A Zoning By-law amendment is sought to permit the use of the lands for a low-rise apartment building, as well as for modifications to various performance standards, including a height increase for the fourth storey, reduced building setbacks, narrower driveway widths (outside the garage), wider driveway widths (inside the garage), size and location of amenity areas, wider walkways, and site-specific planned unit development provisions.

The development has evolved and several changes have been made in response to comments from staff and the community. The development proposal is consistent with the policy directions contained with the Official Plan for infill development outside of target areas. The proposed use, height and fit within the surrounding context meet the policies of the General Urban Area designation, as well as design guidelines for low-rise infill development.

## Public Consultation/Input

Public notice and consultation of the application was undertaken in accordance with the City's Public Notification and Consultation Policy. Thirty-seven written responses and eight telephone responses were received from members of the public. The majority of respondents were not in support or had concerns with the proposal.

Two public consultation meetings were held by the developer. The first, prior to the submission of the application, took place in the fall of 2014. The second community consultation meeting took place on June 4, 2015 at the Ecclesias Hall. Approximately 15 members of the community attended. Representatives from the Glebe Community Association were also in attendance at both meetings.

The removal of the existing houses, the scale and design of the proposed development, impacts to the heritage character of the Glebe and the Rideau Canal, impacts to existing trees, and increased traffic on local streets were identified as the greatest concerns.

## **RÉSUMÉ**

### Hypothèse et analyse

La proposition d'aménagement consiste en un complexe immobilier composé de deux immeubles d'appartements de faible hauteur, totalisant 18 logements, et d'un parc de stationnement souterrain partagé.

On demande une modification au Règlement de zonage pour permettre l'aménagement d'un immeuble d'appartements de faible hauteur, ainsi que pour modifier diverses normes fonctionnelles, notamment augmenter la hauteur du quatrième étage, réduire les marges de recul de bâtiment, diminuer la largeur des allées à l'extérieur du garage, élargir les allées à l'intérieur du garage, modifier la taille et l'emplacement des aires d'agrément, élargir les allées piétonnes et modifier les dispositions propres au complexe immobilier.

L'aménagement a évolué et de nombreux changements ont été apportés en regard des commentaires du personnel d'urbanisme et des membres de la communauté. La proposition d'aménagement est conforme aux orientations stratégiques du Plan officiel pour l'aménagement intercalaire à l'extérieur des secteurs cibles. L'utilisation, la hauteur et l'ajustement proposés dans le secteur environnant satisfont aux politiques relatives à la désignation du secteur urbain général, de même qu'aux lignes directrices

en matière d'aménagements résidentiels intercalaires de faible hauteur.

#### Consultation publique et commentaires

Le public a été avisé et invité à une consultation publique conformément à la Politique d'avis et de consultation publique. Trente-sept (37) réponses écrites et huit (8) réponses par téléphone ont été reçues du public. Qui plus est, la majorité des répondants n'appuient pas la proposition ou disent avoir des réserves par rapport à celle-ci.

Le promoteur a organisé deux consultations publiques : la première à l'automne 2014, avant la présentation de la demande, et la deuxième le 4 juin 2015, à l'Ecclesiast Hall. Environ 15 membres de la communauté et des représentants de l'Association communautaire du Glebe ont assisté à ces réunions.

Parmi les aspects suscitant le plus de réserves, notons la démolition des maisons existantes, l'échelle et la conception de l'aménagement proposé, les répercussions sur le caractère patrimonial du quartier Glebe et du canal Rideau, l'incidence sur les arbres et la circulation accrue dans les rues locales.

## **BACKGROUND**

Learn more about [Zoning By-law amendments](#)

For all the supporting documents related to this application visit the [Development Application Search Tool](#).

### **Site location**

2 Fourth Avenue, 364, 368, 370 and 372 Queen Elizabeth Driveway and 1 Fifth Avenue

### **Owner**

Roca Developments Inc. (Roberto Campagna).

### **Applicant/Architect**

Doug van den Ham (Barry J. Hobin & Associates Architects).

### **Description of site and surroundings**

The site is located on the west side of Queen Elizabeth Driveway and consists of six properties: 2 Fourth Avenue, 364, 368, 370 and 372 Queen Elizabeth Driveway, and 1 Fifth Avenue. There are currently 13 units within the six existing buildings on the lands.

The building at 2 Fourth Avenue has a three-car attached garage. The other buildings share a four-car garage located behind the dwellings and with arrangements for legal access. Access to this garage is from Fifth Avenue. The buildings at 364 Queen Elizabeth Driveway and 1 Fifth Avenue are on the Heritage Reference List. The total site area of the consolidated parcel is 2,010 square metres.

To the north of the site, across Fourth Avenue, there is an existing 14-storey (43-metre), 136-unit apartment building, built in 1973. To the south, across Fifth Avenue, there is a surface parking lot for the Canal Ritz restaurant. Fifth Avenue also has a dedicated bike lane and new traffic lights were installed at the intersection of Queen Elizabeth Driveway and Fifth Avenue in 2014. To the west, there are existing dwellings within the Glebe neighbourhood. At 12 Fourth Avenue, immediately abutting the site, there is a two-and-a-half storey semi-detached dwelling with a reverse slope driveway. At 5 Fifth Avenue, there is a two-and-a-half storey single detached dwelling. Queen Elizabeth Driveway is located to the east. This parkway is owned by the National Capital Commission and at this location has a wide boulevard area abutting the site (ranging between 10 and 27 metres wide). The Canal Ritz restaurant and Rideau Canal, a UNESCO World Heritage Site, are located on the other side of Queen Elizabeth Driveway.

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

The Zoning By-law amendment requested would permit the development of a planned unit development consisting of two low-rise apartment buildings with a shared underground parking structure, for a total of 18 units. The gross floor area of Building A is 2,729 square metres and of Building B is 996 square metres. The top floors are setback for a smaller floorplate. The two main entrances to Building A are from Queen Elizabeth Driveway. The main entrance to Building B is from Fifth Avenue. A total of 36 vehicle parking spaces and 22 bicycle parking spaces are proposed within an underground parking garage with driveway access from Fourth Avenue.

A Zoning By-law amendment is sought to permit the proposed low-rise apartment building use, as well as modifications to various performance standards, including an increase in height for the fourth storey, some reduced building setbacks, narrower driveway widths (outside the garage), wider driveway widths (inside the garage), size and location of amenity areas, wider walkways, and site-specific planned unit development provisions.

## **DISCUSSION**

### Public consultation

Public notice of the application was provided in accordance with the City's Public Notification and Consultation Policy. Notice was circulated twice, first in January 2015 and again in May 2015 on an amended proposal. In total, 37 written responses and eight telephone responses were received from members of the public. The majority of respondents were not in support or had concerns with the proposal. The removal of the existing houses, the scale and design of the proposed development, impacts to the heritage character of the Glebe and the Rideau Canal, impacts to existing trees, and increased traffic on local streets were of greatest concern.

Two public consultation meetings were held by the developer. The first, prior to the submission of the application, took place in the fall of 2014. The second community consultation meeting took place on June 4, 2015 at the Ecclesiastical Hall. Approximately 15 members of the community attended. Representatives from the Glebe Community Association were also in attendance at both meetings.

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

### Official Plan designation

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council approved amendments contained within Official Plan Amendment 150 (OPA 150), as part of the comprehensive five-year review. The subject proposal conforms to the specific amendments introduced through OPA 150, namely the height limit of four storeys within the General Urban Area.

Within Schedule B of the Official Plan (OP), the property is designated General Urban Area. This designation permits a full range of land uses and housing choices so as to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This variety will facilitate the development of complete and sustainable communities.

Generally, the maximum building height in the General Urban Area is four storeys. The tallest buildings will be encouraged to locate on properties fronting on Arterial Roads, or adjacent to existing taller buildings. When considering a proposal for residential intensification through infill or redevelopment, the City will a) assess the compatibility of

new development as it relates to existing community character so that it enhances and builds upon desirable established patterns of built form and open spaces; and b) consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles throughout the General Urban Area.

Further to the policies within Section 3.6.1., General Urban Area, above, infill development is reviewed for conformity with the urban design and compatibility policies of Section 2.5.1 and 4.11, discussed below.

In the case of Intensification Outside of Target Areas (Section 2.2.2), the plan states: Generally, new development will be designed to complement the area's desirable character reflected in the pattern of built form and open spaces. The character of a community may be expressed in its built environment and features such as building height, massing, the setback of buildings from the property line, the use and treatment of lands abutting the front lot line, amenity area landscaped rear yards, and the location of parking and vehicular access to individual properties. The City will consider these attributes in its assessment of the compatibility of new development within the surrounding community when reviewing development applications. Compatibility means development that, although not necessarily the same as or similar to existing buildings in the vicinity, can enhance an established community through good design and innovation and coexists with existing development without causing undue adverse impacts.

#### **Section 4.11 – Urban Design and Compatibility**

At the scale of neighbourhoods or individual properties, issues such as noise, spillover of light, accommodation of parking and access, shadowing, and micro-climatic conditions are key considerations when assessing the relationships between new and existing development. The issue of context is a dominant theme in the Official Plan where it speaks to compatibility and design.

Within Section 4.11, through OPA 150, direction is provided on urban design, including enhancement or impacts on views, compatibility of new building design with the surroundings, massing and scale for successful neighbourhood integration, and outdoor amenity areas. The urban design and compatibility of the subject proposal is evaluated in the planning rationale below.



### Section 4.6.3 – River and Canal Corridors

The Rideau Canal is a UNESCO World Heritage Site. The City's Official Plan states that the City will review development applications adjacent to the canal to ensure that the visual quality of the waterway and view from the waterway, as well as natural and cultural features, are evaluated.

#### Other applicable policies and guidelines

##### Urban Design Guidelines for Low-rise Infill Housing

Approved by Council in May 2012, the Urban Design Guidelines for Low-rise Infill Housing are intended as a basic framework for the physical layout, massing, functioning and relationships of infill buildings to their neighbours. The guidelines target attributes that provide guidance on achieving quality design for infill development with regard to public streetscapes, landscape, building design, parking and garages, heritage building and alterations, and servicing elements.

##### Urban Design Review Panel

This application was not reviewed by the Urban Design Review Panel, as it is not located within a Design Priority Area.

#### Planning rationale

The requested rezoning is from a Residential Third Density zone with an exception (R3[1474]) to a Residential Fourth Density Subzone Q (R4Q) zone with a schedule and an exception. A rezoning is required as the R3 zone does not permit the apartment building use and the maximum height in the R3 zone is 11 metres. There is also relief requested to some building setbacks, soft landscaping and amenity area requirements, driveway aisle widths and planned unit development provisions.

The proposed development conforms to the policies outlined within the General Urban Area designation and is consistent with the design and compatibility objectives detailed within Sections 2.5.1 and 4.11 of the Official Plan. Low-rise apartment buildings are permitted uses within the General Urban Area. The scale of buildings within the General Urban Area is generally capped at four storeys. The proposed height of 15 metres is consistent with a four-storey building with three floors of 3.3-metre (10-foot) floor-to-ceiling heights and an upper storey of 2.9-metre (9.5-feet) floor-to-ceiling heights. The finished floor area is on average no more than 1.5 metres (or five steps) above grade, which is a comfortable elevation above the level of the street for both

residents and those passing by. The schedule shown in Document 4 illustrates how the fourth storey will step back from the main wall of the building.

The development addresses the design objectives and principles contained within Section 2.5.1 and 4.11 of the Official Plan. Some elements are incorporated into the proposed Zoning By-law in Document 3, and others will be addressed in greater detail through the review of the Site Plan Control application.

#### **Scale and Massing**

The massing of the two buildings on the consolidated lot is greater than the massing of the six existing dwellings. Nevertheless, in assessing compatibility, staff must consider whether the development enhances the established community through good design and innovation and coexists with existing development without causing undue adverse impacts. The proposal includes high quality materials and the top storey steps back to allow access to light and sky.

There are apartment buildings within the surrounding area, including older three- and four-storey buildings, especially along O'Connor Street. There are high-rise buildings along Queen Elizabeth Driveway. There are also numerous homes that have been converted to four or more dwelling units within the surrounding area. There is great variety in building setbacks within the existing area, in part because of the variety of building types and eras of construction.

The greatest potential impact of this development is to the private amenity areas of the abutting homes. Through the review process, staff requested measures to reduce overlook and increase compatibility, as noted below.

#### **Front Yards and Corner Side Yards**

The department considers the proposed minimum 1.3 metres setback along Fifth Avenue as being acceptable since it aligns with the front yard setback of the existing dwelling next to it and others along that street. However, staff had concerns with some of the other proposed setbacks. As a result, the buildings have been scaled back along Fourth Avenue and Queen Elizabeth Driveway. The proposed corner side yard setback (which is along Queen Elizabeth Driveway) was increased and is now proposed at one metre. Staff consider this acceptable as the boulevard area for Queen Elizabeth Driveway is especially wide in this section (ranging between 10 and 27 metres). The requested one-metre corner side yard setback has no negative impacts on the Rideau Canal or the operation of Queen Elizabeth Driveway as a parkway. It creates a situation

where the dwellings, paver terraces and balconies are close to the sidewalk, although this is not uncommon within older urban areas. Further, this measurement is taken at the nearest point, and the sawtooth design of the building actually increases the space between the development and the property line. The window areas of the building wall are located further back than the minimum setback, as they are located at oblique angles to the property line. This angling also lessens any negative impacts of overlook on the public realm.

#### **Other Yards**

The consolidated lot is both a through lot and a corner lot. Before the lot consolidation, the majority of the existing dwellings had rear yards opposite Queen Elizabeth Driveway. The yard on the west side of the building after the lot consolidation is an interior side yard. The existing zone requires an interior side yard setback of between 7.5 metres and 0.6 metres, depending on abutting uses and yards. There are two existing dwellings abutting the site to the west. The property at 5 Fifth Avenue has a side yard setback of 0.42 metres, while the building at 12 Fourth Avenue encroaches onto the subject lands by 0.26 metres. The side yard setback for the proposed development is 1.8 metres at the closest point and 8 metres at the widest point. Given the variation of side yard setbacks within the area, that the proposed side yard setback is larger than that provided at adjacent properties, and considering no primary windows or balconies are permitted facing this yard, this setback is viewed by the department as supportable.

#### **Overlook, Amenity Areas and Sun Shadowing**

Neither balconies nor rooftop amenity areas are permitted on the west side of the proposed buildings by the details of recommended zoning (Document 3). The associated balconies and rooftop amenity areas will be oriented toward Queen Elizabeth Driveway, where the wider boulevard and vegetation buffer the amenity areas from the parkway and the Rideau Canal beyond.

Where the rooftop amenity areas wrap around to Fourth Avenue and Fifth Avenue, they will be inset from the edge of the building to reduce overlook. The proposed at-grade amenity areas along the west side reinforce the character of existing private rear yard amenity areas within the interior of the block.

The shadows that the proposed buildings are projected to throw are shown in Document 2. Three-storey buildings constructed to the zoning limits under the existing

zoning would also have the potential to create shadow. The shadow impacts of the fourth floor are lessened by the step back.

#### Tree Protection and Landscaping

The removal of two City-owned trees and six private trees will be required to permit this development, mainly because of the extent of the underground parking garage. The proposal has been redesigned so that two existing spruce trees and a Norway maple within the Fourth Avenue right-of-way will be protected. The City does not object to the removal of the ash tree along Fourth Avenue and it will be replaced with a coordinated planting of at least two new trees. Permission of the property owner is required to remove the private trees located in the rear yard of 12 Fourth Avenue.

The mix of soft and hard landscaping proposed within the front and corner side yards is compatible with the existing streetscape context. The zoning relief sought for the paver terraces and the walkways meets the intent of Section 109 of the Zoning By-law, which is that hard landscaping not be used for parking.

The developer has agreed to plant additional trees within the boulevard area of Queen Elizabeth Driveway to add to the existing vegetative buffer and to screen the building from the parkway and the Rideau Canal.

#### Traffic, Location of Parking and Vehicular Access

The Transportation Overview, Addendum #1, prepared by Parsons, projects a minor increase in traffic of between 5 to 10 vehicles per hour to Fourth Avenue during commuter peak hours (i.e. the busiest hour of the morning and evening), and estimates traffic will be much less during other hours of the day. The addendum states that once this low rate of traffic dissipates to Queen Elizabeth Driveway or to O'Connor Street, the increase will have no impact on area traffic operations.

Concerns about traffic have been raised by the community, especially the residents of Fourth Avenue. No entry is permitted to Fourth Avenue from Queen Elizabeth Driveway, which means that to access the proposed parking garage, vehicles must circle the block and pass the existing dwellings along Fourth Avenue. The location of the parking garage access on Fourth Avenue will be further reviewed by City staff through the Site Plan Control process.

The width of the driveway at the Fourth Avenue streetline will be reduced to six metres from the current width of nine metres, which will allow for more boulevard area in which

to replant street trees. Other design issues related to the interior layout of the parking garage, driveway access design and slope of the garage ramp will be addressed at the Site Plan Control stage.

The proposed development is only required by the Zoning By-law to provide nine parking spaces for residents and one visitor parking space; however, the developer wishes to offer more parking spaces for residents of the proposed development. Parking challenges are commonly cited by local residents in areas that rely on on-street parking, and especially by Glebe residents when events occur at Lansdowne Park. Given the parking is located underground and given the site's context, staff do not object to the provision of additional parking.

#### Impacts to Rideau Canal and Parkway Corridor

A cultural heritage impact statement prepared by Robertson Martin Architects has been submitted by the applicant and has been reviewed by City staff in consultation with staff from Parks Canada and the National Capital Commission. The conclusion of the cultural heritage impact statement is that the proposal is compatible with and does not threaten the documented heritage values of the Rideau Canal Corridor.

#### Adequacy of Services

An Assessment of the Adequacy of Public Services Study was prepared for the proposal and revised to address the proposed increase in units. The study concluded there was sufficient water supply and adequate sanitary sewer capacity for the proposed development. Approaches to stormwater management will be more fully developed through the review of the Site Plan Control application.

#### Infill Studies

The subject application for Zoning By-law amendment is not subject to the zoning provisions developed through the Infill 1 and Infill 2 studies. At the time of writing this report, the associated application for Site Plan Control qualifies for the transition policies associated with both these studies.

#### Details of Proposed Zoning

The proposed rezoning to Residential Fourth Density Subzone Q (R4Q) zone with a schedule and an exception would permit the planned unit development of two apartment buildings and a height increase to permit four storeys. The schedule with Document 4 illustrates the extent of the height increase, which is limited to the stepped back area on

the fourth storey. The schedule also illustrates the minimum building setbacks.

The draft zoning details in Document 3 recommend relief to driveway aisle widths. With respect to apartment dwellings, By-law 2008-250 requires that driveways providing access to less than 20 parking spaces be a maximum of 3.6 metres wide and driveways providing access to more than 20 parking spaces be a minimum of 6.7 metres. Given the separated nature of the garage design in this case, the proposed driveways do not fully meet these requirements. Staff recommend a minimum width of four metres and a maximum width of six metres to strike a balance. Relief is also required to permit amenity areas and some hard landscaping within the front and corner side yards and to create site-specific planned unit development provisions. The amenity area space being provided is shared between soft landscaping along the west side of the building (96 square metres), balconies (60 square metres) and the basement amenity area (58 square metres) for a total of 180 square metres.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Chernushenko provided the following comments:

“This proposal constitutes a significant change in building type and massing for the end blocks of the Glebe fronting onto Queen Elizabeth Drive. While that is not in itself sufficient reason to reject the application, it does mean that significant commitment should be made to address the following concerns in order to gain approval:

### **Insufficient setback along Fourth Avenue**

The building will be positioned well in front of existing houses along Fourth Avenue, thus blocking former site lines to the canal and contributing to the loss of two mature trees along Fourth Avenue. The northeast corner of the building protrudes in a way that dominates the corner in a manner that is not compatible with the neighbourhood. This is not a gateway location.

### **Inadequate setbacks to rear of property**

Where #370 Queen Elizabeth Drive wraps around the Fourth Avenue properties, the setbacks are reduced to 1.96 and 2.0 metres respectively. This will increase sun shading of adjacent properties in the morning hours and impinge upon privacy.

### Sun Shadowing

The shadowing studies provided appear to contradict the statement made in the Planning Rationale provided that states that shadowing really only occurs at 8 am (these being based on June readings). The studies provided for both March and December indicate significant backyard shading (of Fourth Ave addresses) will occur until 10 or in fact 11 am.

### Tree Loss

The reduced setbacks result in significant tree loss. There is limited space to successfully replace the trees along Fourth Avenue with ones that may reach the stature of existing trees.

### Materials

The east facing section is entirely natural stone (and glass). Compatibility with the neighbourhood ought to be a characteristic of the building as a whole.

### General

In a number of instances, the Planning Rationale points to the existence of highrise buildings along QED as evidence of a mix of residential forms and greater heights/density in the neighbourhood, of which this low-rise apartment is one. The suggestion is that their existence lends support to this application. The development of those buildings, and the community opposition to them at the time led to these properties, and others along QED, being zoned as R3, which includes height restrictions of 11 m, to prevent such incompatible development in future. While it is logical to point to desirable elements of neighbourhood character to support an application, undesirable elements should not be used to support a project.”

## **LEGAL IMPLICATIONS**

Should the recommendation be adopted and the matter appealed to the Ontario Municipal Board, it is anticipated that a three to four day hearing would result. It is expected that such hearing could be conducted within staff resources.

In the event that the application is refused, reasons must be provided. If the refusal is appealed to the Ontario Municipal Board, it will be necessary for the City to retain an external planner.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

Potential financial implications are noted in the above Legal Implications section. In the event that external resources are retained, funds are not available within existing resources and the expense would impact Planning and Growth Management's operating status.

## **ACCESSIBILITY IMPACTS**

The new buildings will be required to meet the accessibility criteria contained within the Ontario Building Code. Depending on the timing of construction, the Accessibility for Ontarians with Disabilities Act (AODA) requirements for site design may also apply, and will be reviewed at the time of the Site Plan Control application.

## **TERM OF COUNCIL PRIORITIES**

This proposal addresses the following Term of Council Priorities:

C1 – Contribute to the improvement of the quality of life for Ottawa residents.

EP2 – Support growth of the local economy.

ES1 – Support an environmentally sustainable Ottawa.

## **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 Concept Plan, Renderings and Sun Shadow Studies

Document 3 Details of Recommended Zoning

Document 4 Height and Yards Schedule

Document 5 Consultation Details

Document 6 Overview Data Sheet



## **CONCLUSION**

The department is satisfied that the proposal represents quality design and conforms to the policies of the City's Official Plan. The proposed development presents an increase in scale and density from the early 20<sup>th</sup> century development within the surrounding area; however, it is in line with the relevant policies, which state a maximum height of four storeys within the General Urban Area designation and is consistent with relevant urban design guidelines for fit and compatibility within established neighbourhoods. The department has reviewed the site design, adequacy of services, cultural heritage impact statement and transportation overview and has found the associated impacts to be acceptable. Staff will continue the review of the site design, materials and building design through the related Site Plan Control application. In conclusion, staff recommend that this Zoning By-law amendment be approved.

## **DISPOSITION**

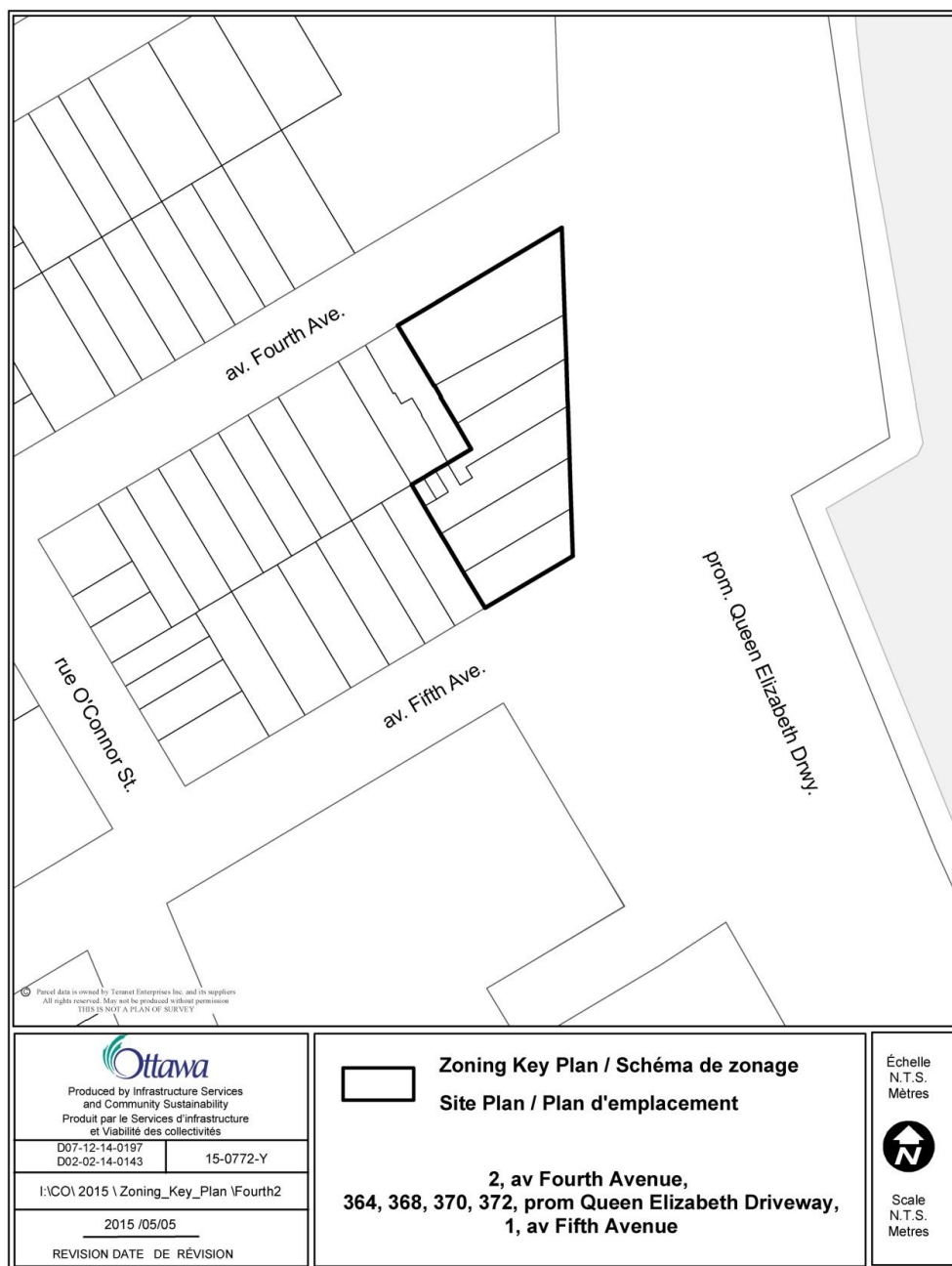
City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, Scott Templeton, Program Manager, Assessment, Financial Services Branch (Mail Code 26-76) of City Council's decision.

Planning and Growth Management Department 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.

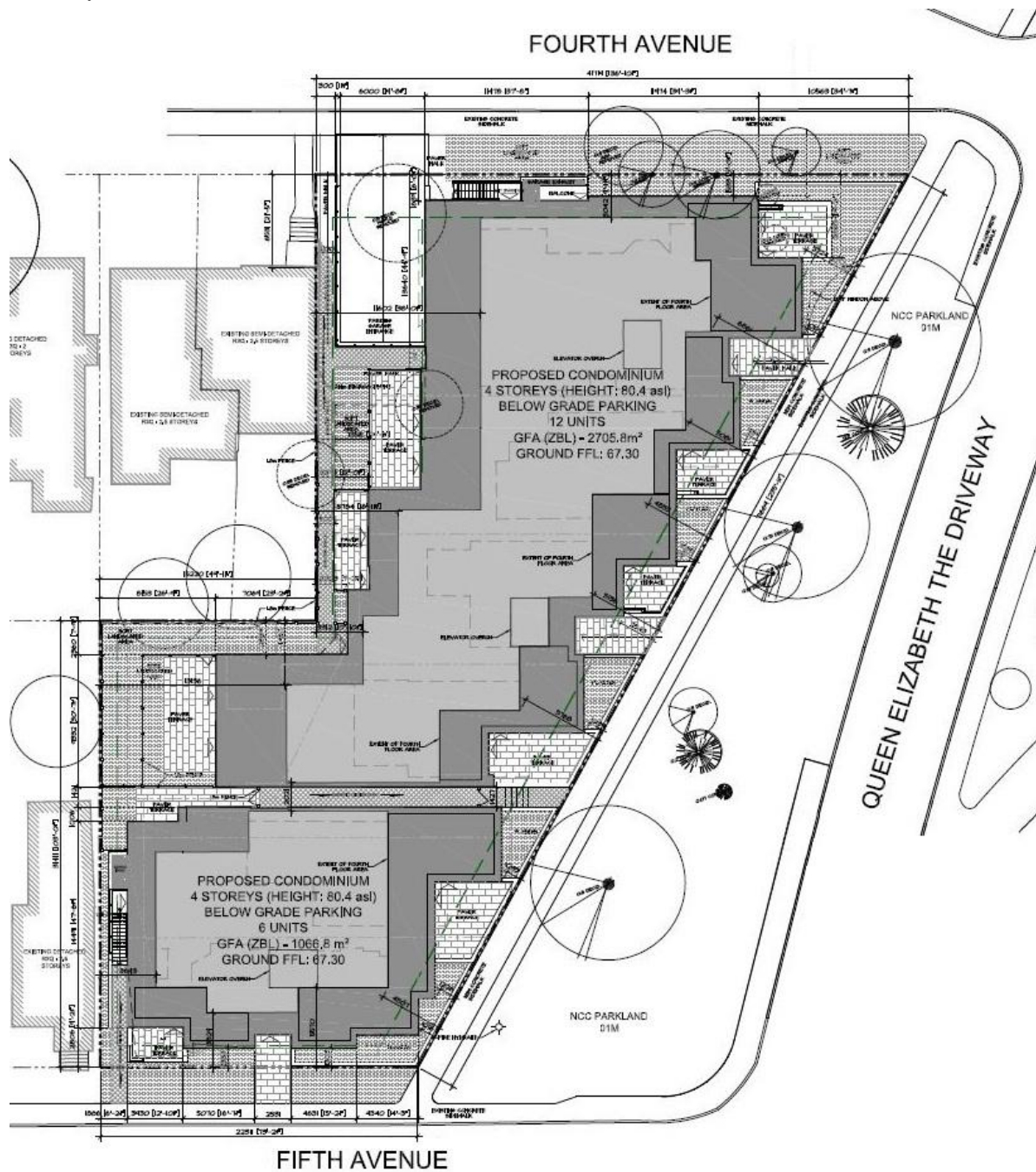
## Document 1 – Location Map

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



## Document 2 – Concept Plan and Renderings

## Concept Plan





South-east corner viewed from Queen Elizabeth Driveway



North-east corner viewed from Queen Elizabeth Driveway





Looking east on Fourth Avenue

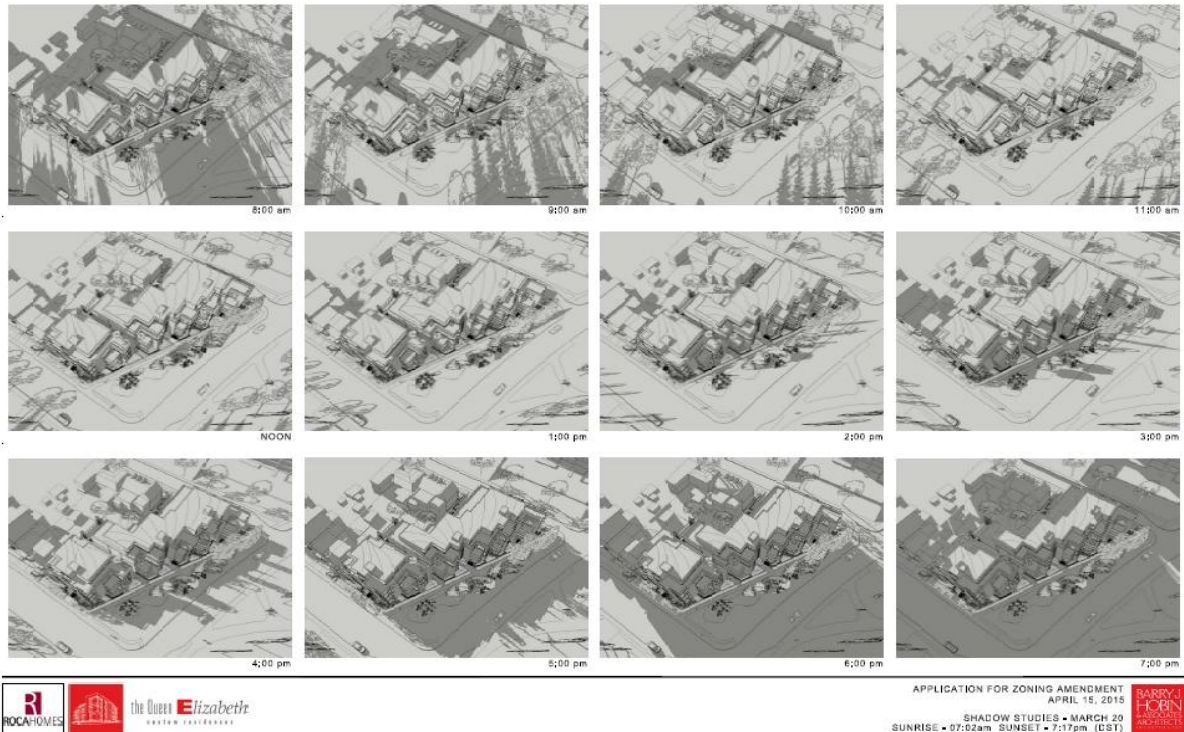


View of the building looking north along Queen Elizabeth Driveway from the sidewalk

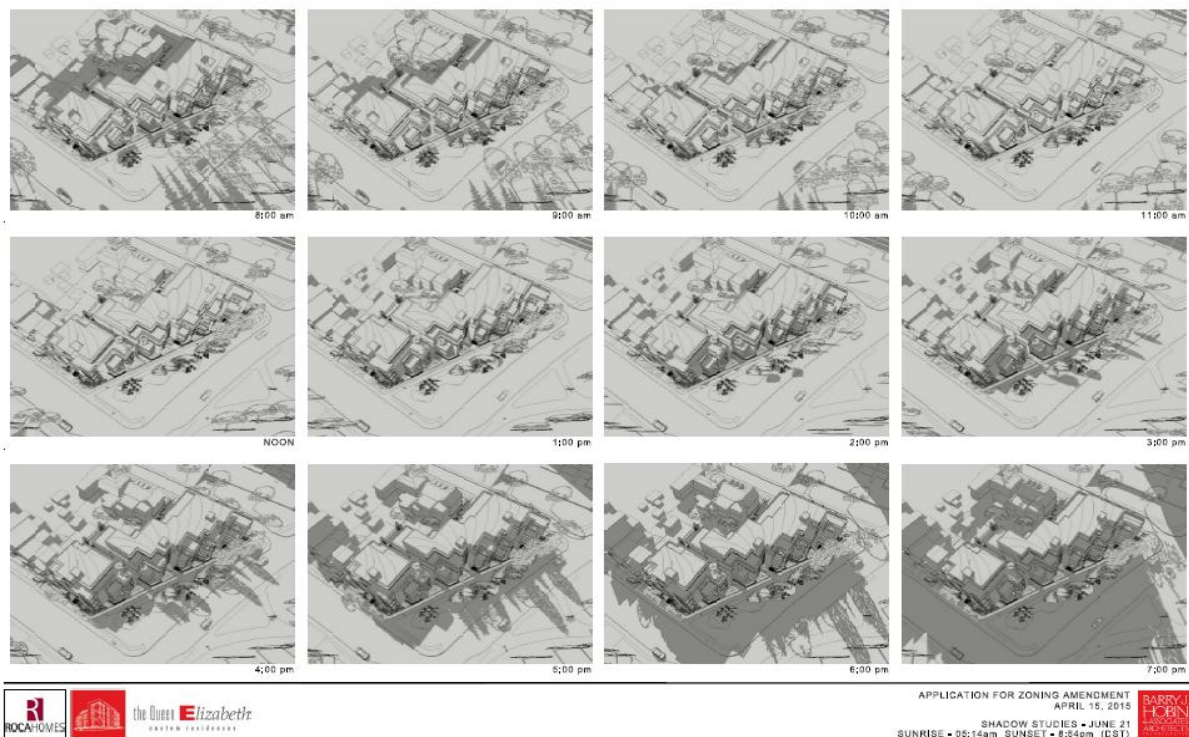




### Sun Shadowing – March or September



### Sun Shadowing – June

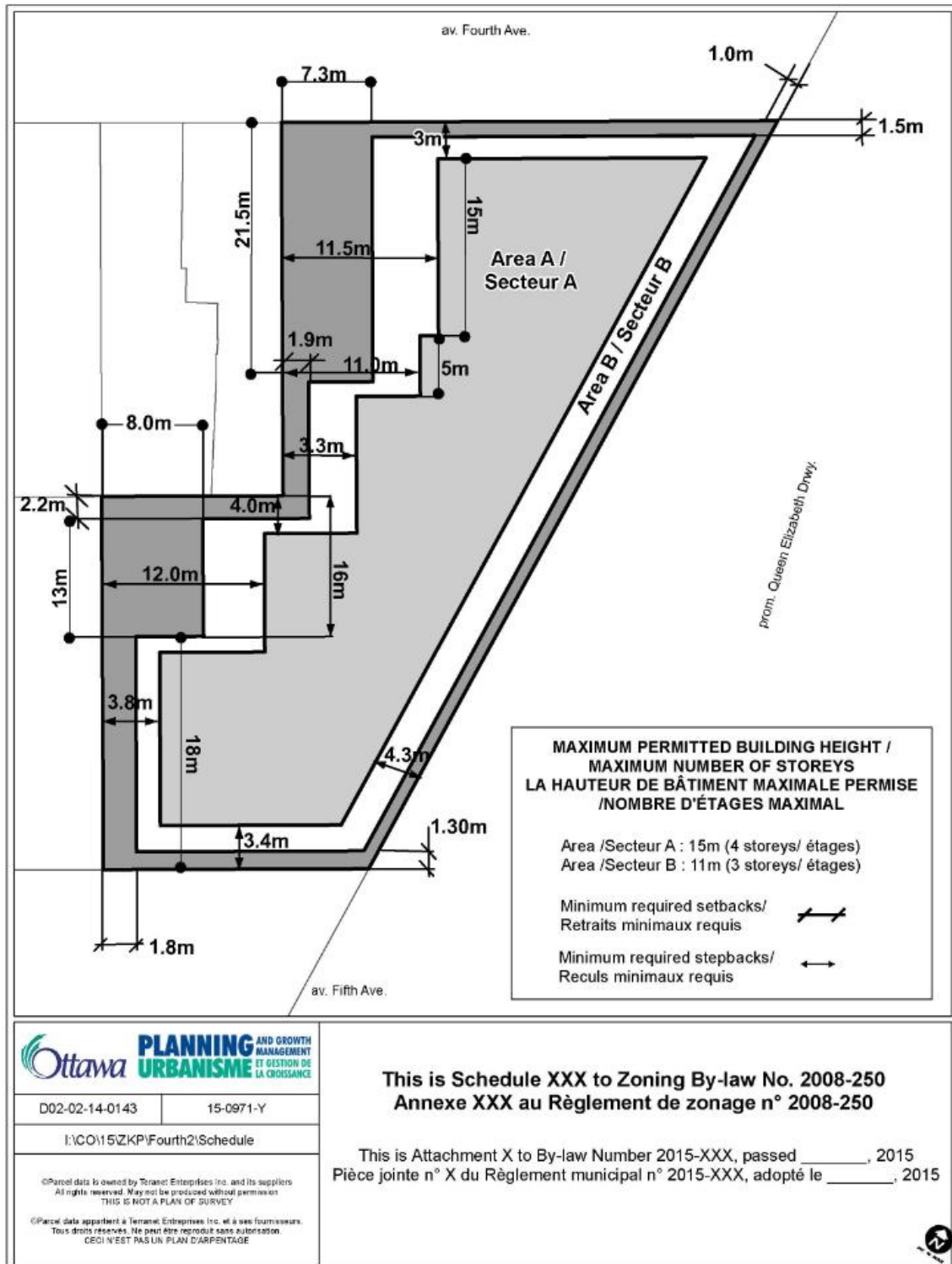


### **Document 3 – Details of Recommended Zoning**

Proposed changes to the City of Ottawa Zoning By-law 2008-250 for 2 Fourth Avenue, 364, 368, 370 and 372 Queen Elizabeth Driveway and 1 Fifth Avenue.

1. Rezone the property shown in Document 1 from R3Q [1474] to R4Q [xxxx] SXXX.
2. Add a new schedule, SXXX, as shown in Document 4 to Part 17 – Schedules.
3. Add a new exception R4Q [xxxx] SXXX to Section 239 – Urban Exceptions, which shall include provisions similar in effect to the following:
  - a) Despite Clause 107(1)(aa), the required width of a driveway is  
  
Minimum: 4.0 metres.  
  
Maximum: 6.7 metres.
  - b) Despite Clause 109(3)(b), the width of a walkway may be a maximum of 2.6 metres.
  - c) Despite Clause 109(3)(c), hard landscaping is also permitted in the front and corner side yards in the form of paver terraces.
  - d) Table 131(2) and (3) do not apply.
  - e) Despite Table 131 (4)(b), the minimum separation distance between buildings within a planned unit development may be 1.4 metres.
  - f) Section 137 does not apply, and
    - i. The required communal amenity area is 58 square metres;
    - ii. A minimum of 96 square metres of soft landscaping is required at grade; and
    - iii. No required or provided amenity areas are permitted above the first storey within yards abutting the interior lot line.
  - g) Minimum required building heights, setbacks and stepbacks are as per Schedule XXX.

Document 4 – Height and Yards Schedule





## **Document 5 – Consultation Details**

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 community meeting was held in the community on June 4, 2015, and was attended by approximately 15 people. At the time of writing this report, a total of 45 people commented through the consultation process. Twenty-six were in opposition, twelve had concerns or questions and two were in support. The Glebe Community Association also voiced their concerns. The comments and the staff response are summarized below.

### **Public Comments:**

#### **Height and massing**

- The building dominates rather than blending in.
- The proposed building is too massive for the neighbourhood and completely out of keeping with it in style.
- The building will be too high, and it will throw deep shadows and loom over what is currently a streetscape in the tradition of the Glebe neighbourhood.
- We object to four storeys. No more than three storeys should be permitted.
- I strongly object to anything higher than two storeys.
- The floor to ceiling height should also match existing houses, and not be 10 feet per floor, plus 5 feet above grade.
- The design is too massive and out of scale. It does not contribute to the harmony of the neighbourhood.
- The style and size are totally unsuitable for this neighbourhood.
- I do not believe the extra storey is in the interest of the community, visually and as a precedent for more and more similar requests.
- The development does not add much in terms of density but adds considerably to mass, by joining the properties into two buildings, by creating a unified roofline higher than the average of existing rooflines, by making much larger individual units

and a much larger square footage and by bumping the structure out squarely at each corner street.

- When was the moratorium on high-rise development along the QED lifted?

Response:

The Official Plan generally permits a maximum of four storeys within the General Urban Area. In this case, the fourth storey is stepped back to reduce the overall massing and shadow impacts. The scale of the development is different than the existing homes in the area, but not incompatible. The scale of this development is less than the 1970's apartment towers along Queen Elizabeth Driveway, south of the Queensway, which range from 11 to 14 storeys.

Staff could find no record of a moratorium on high-rise development, and note that a comparable planning tool, an Interim Control By-law, is usually a maximum of one year in duration. Staff did find a by-law passed in 1973, which down-zoned the area from R7 to R4. By-law 117-73 amended Zoning By-law AZ-64 along Queen Elizabeth Driveway between First and Fifth Avenues. At that time, the R4 zone permitted single family, duplex, semi-detached, rowhouse or converted dwellings and the R7 zone permitted apartment buildings. It should be noted that the subject proposal is for four-storey low-rise apartment buildings. A high-rise apartment building is defined as ten or more storeys in the Official Plan.

Comment:

Impacts to abutting properties

- Concern for rear yard access for abutting house.
- Concern about grades.
- Concerns for setbacks where side yards meet side yards and rear yards.
- The back yard setback should be the same as rest of the neighbourhood.
- Concerns about not addressing existing setbacks along Fourth Avenue.
- It will contribute to the loss of natural sunlight, privacy and green/permeable space.
- Shadow impacts are unacceptable and do not meet the Official Plan policies about compatible infill.

- Concerns about overlook.

Response:

Staff requested that the developer revise the proposal to pull the building back from Fourth Avenue to the same setback required by the R3[1474] zone (a minimum of 1.5 metres). Staff acknowledge that the proposed development will present a different view to the abutting properties than the current dwellings, but assert that there are no undue adverse impacts. A building under the existing zoning would have the potential to create shadow; because of the step back the fourth floor impacts are lessened. To address concerns about overlook, staff have requested that only secondary windows (such as those to bedrooms and bathrooms) face to the west side. No balconies or rooftop amenity areas are located along this side either.

Issues related to grading and drainage will be addressed through the Site Plan Control application.

The creation of legal rear yard access through the subject lands to abutting properties is a matter for the property owners to negotiate.

Comment:

Impacts to City Streets

- There should be the normal City setback from the sidewalk as with all other streets in the City.
- Concern for the loss of two large evergreen trees along Fourth Avenue, because of reduced setbacks.

Response:

The City standards for sidewalks within the City rights-of-way (Fourth Avenue and Fifth Avenue) will be followed. The site is also located along a parkway owned by the National Capital Commission (NCC), and a federal land use approval has been issued for the use of the parkway lands for a temporary sidewalk during construction. Additionally, a new permanent sidewalk will be built to City standards by the developer within the lands owned by the National Capital Commission (NCC).

The evergreens along Fourth Avenue will be protected. If they are damaged during construction, the City will collect monies for compensation.

Comment:

Impacts to NCC parkway, greenspace and Rideau Canal

- Concern about impacts to mature trees.
- Rooftop and terraces are NOT considered green space. These houses will have no green space. No soil, no gardens, no plants, no flowers, no trees.
- Concerns about views to and from the Rideau Canal and Queen Elizabeth Driveway.
- Concerns about the building detracting from the beauty of both Queen Elizabeth Drive and the Canal.
- No driveways should exit or enter onto Queen Elizabeth Driveway.
- This neighbourhood is part of a World Heritage Site, as designated by UNESCO.
- The Rideau Canal, one of UNESCO's eight recognized cultural sites in Canada. It should be honoured by development that matches the existing streetscape.
- Concern about the impact on a Heritage Site - the Rideau Canal.
- Also of concern is the proposal to have two main entrances to Building A from Queen Elizabeth Driveway. No other buildings in this area use the Driveway as access points.

Response:

A total of 11 trees are proposed for removal and 19 new trees will be replanted. Some of the replanted trees will be within the boulevard area of Queen Elizabeth Driveway to provide additional screening to the parkway and Canal. The size of these trees will be determined through the review of the Site Plan application. No existing trees within the parkway lands are proposed for removal.

Although relief is required to the amenity area provisions of the Zoning By-law, the current landscape plan for the development proposes a total of 19 new trees, 117 shrubs, as well as more than 100 other perennial plants.

The Rideau Canal is a UNESCO world heritage site, but the neighbourhood surrounding it is not included in the designation. A Cultural Heritage Impact Statement prepared by Robertson Martin Architects was submitted as part of this proposal and was reviewed

by Parks Canada, the NCC and Heritage Services staff at the City. No objections were raised by these commenting agencies to the recommendations of the Cultural Heritage Impact Statement.

No driveways are proposed from Queen Elizabeth Driveway. Pedestrian entrances to buildings are proposed, and are supported by City staff.

Comment:

Neighbourhood Character

- This large modern condominium building is out of character with the neighbourhood.
- The ambience of this old neighbourhood, adjacent to the UNESCO Heritage Canal, is in the well kept Victorian era and urban vernacular houses (mid 1890's) with a sprinkling of unique houses.
- Some of the heritage has already been destroyed.
- The presence of two rather ugly apartment towers nearby is no justification for demolishing beautiful old red brick homes.
- Modernizing the landscape is not welcome or desirable.
- The existence of high-rise buildings along the QED and the movement to oppose them contributed to the current zoning and height restrictions. They do not represent desirable elements of neighbourhood character.

Response:

Defining neighbourhood character in an area that has many styles of development from different eras is challenging. Clearly, some existing buildings are less successful than others and future development should draw upon the most desirable attributes of a neighbourhood. There are low-rise apartment buildings dispersed throughout the Glebe neighbourhood, with the closest four-storey example at Second Avenue and O'Connor Street. It is the department's position that the proposed development can be successfully integrated into the existing character of the surrounding neighbourhood.

Comment:

Proposed colour scheme and cladding materials

- Red brick is preferred.
- This structure of tiles and glass embedded as a focal point would devalue our property by making our home look comically small and in need of modernization, when, in fact, is the very style we sought out.
- Exterior materials should be more compatible, especially the east-facing (QED-facing) façade and the extensive use of gray stone.

Response:

The architect has indicated a willingness to work with the community on the issue of materials. When the plans were revised in April, the building materials were revised to include red brick on the façades facing Fourth Avenue and Fifth Avenue. The final materials will be determined through the Site Plan Control application.

Comment:

Intensification

- This development does not add significantly to the total number of housing units to achieve intensification goals.
- The Glebe has already surpassed public targets for intensification agreed to with the Province.

Response:

The Provincial Policy Statement (PPS) and the City's Official Plan both call for intensification within already built-up areas to achieve a more compact and efficient urban form. The Glebe is outside of target areas for intensification identified within the Official Plan, but can accommodate modest intensification goals. There are no maximum targets under the PPS to be exceeded.

Comment:

Demolition of Existing Dwellings

- The existing buildings appear to be in good condition and are compatible with the existing character of this older neighbourhood.
- Those houses could instead be renovated and converted to a smaller number of condominiums.
- Removal of these houses is an environmental waste.
- There were inquiries from owners and tenants of the homes requesting more information on notice, timing and future relocation.
- If the owner had decided to keep the houses and completely renovate them inside into modern condos (3 per house), there would still be 18 units.

Response:

The applicant advises that the decision to replace the existing dwellings stemmed from the desire to meet the needs of the target market by providing a large unit with living space on one level and with below-grade parking. The demographic of the target market tends to be people who have mobility concerns and do not want stairs. Using the existing buildings and existing surface parking areas would have introduced other issues of non-compliance with the Zoning By-law. Retrofitting the existing buildings with elevator and access stairways would have eroded the usable floor space. Joining the existing dwellings would be problematic due to the variety of finished floor levels. Additionally, significant renovations and changes in unit types would also trigger Building Code upgrades.

The applicant also advises that there are no plans to reuse the existing building materials in the project. The reuse of any existing materials (brick in particular) would depend on the condition and the quantities that could be salvaged.

Comment:

Traffic

- Concerns about the impact of traffic, especially as there are many children on Fourth Avenue who play in the street.

- With the Lansdowne development in place, we have already seen increased traffic along Queen Elizabeth Drive. The proposed addition of apartments, with more vehicles entering this graceful boulevard, will only add to the volume and the noise.
- Replacement of these homes will lead to overcrowding and traffic congestion, not to speak of noise pollution.
- The garage entrance to the proposed building on Fourth Avenue will increase traffic on this quiet residential street.
- Owners in the proposed development will be tempted to use Fourth west to leave as well as enter the parking garage, doubling vehicular traffic.

Response:

The Transportation Overview, Addendum #1, prepared by Parsons, projects a minor increase in traffic (between 5 to 10 vehicles per hour) to Fourth Avenue during commuter peak hours and estimates traffic will be much less during other hours of the day. The addendum states that once this low rate of traffic dissipates to Queen Elizabeth Driveway or to O'Connor Street, the increase will have no impact on area traffic operations.

Comment:

Heritage

- Concern about impact on the properties on the Heritage Reference List (364 Queen Elizabeth Drive and 1 Fifth Avenue).
- The Heritage Assessment was paid for by the developer. Is there also an assessment from an impartial party?

Response:

The Heritage Reference List is a list of properties of cultural heritage value in the city. Buildings on the list are not protected by heritage legislation. The Heritage Services Section at the City did not object to their proposed demolition. The Heritage Services Section, as well as the NCC and Parks Canada, have all reviewed the Cultural Heritage Impact Statement prepared by the qualified heritage consultant and they do not object to its findings and recommendations.



Comment:

Criticism or Questions about the Request for Relief from Zoning By-law Requirements

- I fail to see why a commercial development should be awarded such concessions, nor am I persuaded that the developer could not make an adequate return on his investment with fewer units.
- The developer would have known that a height restriction existed when he bought the existing houses with the plan to demolish them.
- Why does the notice not clearly indicate the relief requested?
- The notice does not state what amendments to the zoning bylaw the applicant wants. There is a general summary but nothing that says as an example this is the zoning height allowed and this is what the applicant wants so one can judge the scope and nature of the amendments.

Response:

The *Planning Act* provides the right to a property owner to request a Zoning By-law amendment. The request is evaluated with respect to relevant Provincial and Municipal policy, as well as the existing and planned context. A Zoning By-law amendment also has statutory public notice requirements in order that interested parties may be aware of and participate in the process.

The public notice that was sent out described the zoning relief in general terms, as there are often changes or clarifications that occur through the review process. The notice for a minor variance application is different from the notice for a rezoning, in part because of the statutory requirements. This report to Planning Committee and specifically the Details of Recommended Zoning in Document 3 describe the requested amendment accurately and meet the statutory requirements for passing a Zoning By-law amendment under the *Planning Act*.

Comment:

Housing units

- There is limited availability of rental/condo units in the Glebe and smaller units can appeal to older buyers.

Response:

Housing that meets the needs of a variety of ages, incomes and life circumstances is an objective within the Official Plan.

Comment:

Mature Neighbourhoods By-law and Streetscape Character Analysis

- Why has a Streetscape Character Analysis not been required?

The proposal qualifies for the transition policies as the site plan application was submitted before June 10, 2015. The Mature Neighborhoods By-law addresses neighbourhood character through zoning on street-by-street basis. The attributes of neighborhood character that this By-law governs are landscaping within the front and corner side yard, location and width of driveways, location and size of parking spaces and garages, and orientation of principal entranceways. Within the subject development, these elements generally meet the Urban Design Guidelines for Low-rise Infill Housing.

Comment:

Community Organization Comments and Responses

The Glebe Community Association (GCA) appreciates the efforts to date of the applicant to consult with the community with respect to the above rezoning proposal. However, a number of significant issues remain and we trust that the city will require effective resolution of these issues before any application approval is contemplated.

The general sense of residents is that the overall square footage of the proposed development is a significant increase over the existing building forms and allowable building envelope, and is the cause of the re-zoning and reduced setback requests in this case. While the GCA acknowledges that intensification is permissible and in some cases desirable in a mature neighbourhood such as the Glebe, it must be compatible with the existing patterns of development. To that end, the specific concerns that have continued to be raised by the community and that we believe are yet to be sufficiently addressed in the proposal include the following:

### Reduced setbacks along 4<sup>th</sup> Avenue

The proposal includes a reduced setback along 4<sup>th</sup> Avenue such that the building will be positioned well in front of existing houses along 4<sup>th</sup> Avenue, thus blocking former site lines to the canal and contributing to the loss of two mature trees along 4<sup>th</sup> Avenue.

This reduced setback also results in the northeast corner of the building literally “standing out” such that it will dominate the corner in a manner that is not deemed to be compatible with the neighbourhood. This is not a gateway location.

### Reduced setbacks to rear of property

Where #370 Queen Elizabeth Drive wraps around the Fourth Avenue properties, the setbacks are reduced to 1.96 and 2.0 metres respectively. This will surely impact on increased sun shading of the adjacent properties in the morning hours and impingement of privacy.

### Sun Shadowing

Most significantly felt by adjacent neighbours on 4<sup>th</sup> Avenue, the shadowing studies provided appear to contradict the statement made in the Planning Rationale provided that states that shadowing really only occurs at 8 am (these being based on June readings). The studies provided for both March and December indicate significant backyard shading will occur until 10 or in fact 11 am. Further, statements made in the Planning Rationale [prepared by the applicant's planning consultant] indicate the maximum allowable building massing under existing zoning would not be materially different from that proposed under the proposed R4 which would allow for partial 4<sup>th</sup> storey, but no documentation is provided to support that claim.

### Tree Loss

This issue is impacted by the reduced setbacks referred to above. It is appreciated that the applicant has indicated that they intend on taking exceptional steps to preserve root systems of trees that they intend to save. However, it remains that the reduced setbacks along 4<sup>th</sup> Avenue will result in the loss of two significant trees. With the existing proposal, there is limited space to successfully replace the trees along 4<sup>th</sup> Avenue with trees that may eventually obtain the height of existing trees. Infill that does not allow space for large shade trees will result in destruction of urban canopy over time, which will impact on cooling requirements and storm water runoff. Further, the reduced setbacks to the rear will provide challenges to the ability to successfully plant

large trees in that area, that would serve as buffer to the building itself, and again, enhancement to the urban canopy.

#### Materials

It is appreciated that the developer has sought to employ a mix of exterior materials including red brick on the west, east, and north facing aspects of the building in order to break up the look of the building and incorporate more compatible materials. However, the east facing section is entirely natural stone (and glass). Compatibility with the neighbourhood ought to be a characteristic of the building as a whole, and not simply with respect to the direct interface with immediate neighbours. Given that the combined development is to incorporate the entire block of QED between 4<sup>th</sup> and 5<sup>th</sup> Avenue, and notwithstanding the trees on NCC land that are located in the middle section of the block, increased efforts to incorporate building materials and design that does not dominate but rather seeks greater compatibility with the neighbourhood. We are very concerned that this façade, while well-articulated in design, will nonetheless appear as a monolithic block spanning the full distance from 4<sup>th</sup> to 5<sup>th</sup> Avenues. This is based on the singular treatment of natural stone that does not reflect the more diverse pattern of low rise residential which is more characteristic of the neighbourhood. The corner of 4<sup>th</sup> Avenue and QED is of particular concern here, and again, the design impact is exacerbated by the reduced setbacks along 4<sup>th</sup> Avenue.

#### Overlook

We appreciate that the applicant has confirmed that no balconies will be located to the rear of the properties on the 4<sup>th</sup> storey. We request specific assurance that future residents be specifically prohibited from establishing such balconies in the available rooftop space. In addition, from the documents provided, it appears that there remain some significant windows on the 4<sup>th</sup> storey that are likely to continue to present overlook issues to adjacent neighbours, particularly in light of reduced setbacks to the rear as noted previously. With respect to Unit 303 in particular, the 4<sup>th</sup> storey setback is reduced as compared to other units in the building, and this reduced setback contributes to potential for overlook.

#### General

In a number of instances, the Planning Rationale points to the existence of highrise buildings along QED as evidence of a mix of residential forms and greater heights/density in the neighbourhood, of which this low-rise apartment is one. The

suggestion is that their existence lends support to this application. The GCA would like to point out that historically, the development of those buildings, and the community opposition to them at the time of their development, was instrumental in the establishment of the GCA itself. Although the developments went ahead in the absence of restrictions at the time, the properties, similar to all other properties along QED, have subsequently been zoned as R3, which includes height restrictions of 11 m, to prevent incompatible development in future. As a general point, while it is logical to point to desirable elements of neighbourhood character to support an application, the opposite should not be the case.

Like other mature neighbourhoods, we are for development that is compatible and that enhances the neighbourhood. We trust that the city understands the concerns raised and will require that these issues are addressed before any approval is contemplated. On behalf of the GCA, I would be pleased to provide clarifications to any of the above issues.

Sincerely,

Carolyn Mackenzie, Chair, GCA Planning Committee

### **Response**

**The proposal has been revised to address many of the community association's concerns. Setbacks from Fourth Avenue are proposed to be a minimum of 1.5 metres, in line with the minimum required by the current zoning. The two existing spruce trees and Norway maple tree along Fourth Avenue will be protected. The building has been redesigned at the corner of Fourth Avenue and Queen Elizabeth Driveway so that it is notched rather than projecting forward. Restrictions on amenity spaces above-grade have been introduced into the site-specific zoning, as detailed within Document 3. Many other details can be addressed through the Site Plan Control application.**