

1. **Zoning By-law Amendment - 30-48 Chamberlain Avenue**  
**Modification du Règlement de zonage - 30 à 48, avenue Chamberlain**

**Committee recommendations**

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 30-48 Chamberlain Avenue to permit a 16 storey mixed-use development, as detailed in Document 2; and,
2. that the implementing Zoning By-law does not proceed to Council until such time as an agreement under Section 37 of the *Planning Act* is executed.

**Recommandations du Comité**

Que le Conseil approuve :

1. une modification du Règlement de zonage 2008-250 visant les 30-48, avenue Chamberlain, afin de permettre la construction d'un immeuble polyvalent de 16 étages, comme l'expose en détail le document 2; et
2. que le règlement de zonage de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*.

**Documentation/Documentation**

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 28, 2021 (ACS2021-PIE-PS-0076)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 28 juin 2021 (ACS2021-PIE-PS-0076)

2. Extract of draft Minutes, Planning Committee, July 8, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 8 juillet 2021

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
8 July 2021 / 8 juillet 2021**

**and Council  
et au Conseil  
21 July 2021 / 21 juillet 2021**

**Submitted on 28 June 2021  
Soumis le 28 juin 2021**

**Submitted by  
Soumis par:**

**Lee Ann Snedden  
Director / Directrice**

**Planning Services / Services de la planification**

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

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

**File Number: ACS2021-PIE-PS-0076**

**SUBJECT: Zoning By-law Amendment - 30-48 Chamberlain Avenue**

**OBJET: Modification du Règlement de zonage - 30 à 48, avenue Chamberlain**

**REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 30-48 Chamberlain Avenue to permit a 16-storey mixed-use development, as detailed in Document 2;**
- 2. That the implementing Zoning By-law does not proceed to Council until**

such time as an 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 Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of July 21, 2021" subject to submissions received between the publication of this report and the time of Council's decision.

## RECOMMANDATIONS DU RAPPORT

2. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification du Règlement de zonage 2008-250 visant les 30-48, avenue Chamberlain, afin de permettre la construction d'un immeuble polyvalent de 16 étages, comme l'expose en détail le document 2;
3. Que le règlement de zonage de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*; et
4. 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 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 de la Loi sur l'aménagement du territoire, à la réunion du Conseil municipal prévue le 21 juillet 2021 », 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

### Staff Recommendation

The report recommends that Council approve an amendment to Zoning By-law 2008-250 for 30-48 Chamberlain Avenue.

The Zoning By-law amendment application seeks to maintain the parent GM4 zone, remove the Floor Space Index, replace the existing exception, and add a new schedule. This is to facilitate the construction of a 16-storey mixed-use building with ground-floor commercial space and 150 residential units, including a mix of unit types ranging from studio to three-bedroom units. Surface and underground parking will be provided.

The following community benefits will be secured through a Section 37 Agreement:

- A cash-contribution of \$952,295 to be divided in the following three ways to the discretion of the Ward Councillor (Ward 17 – Capital Ward):
  1. Traffic calming measures.
  2. Park improvements.
  3. Affordable Housing
- Non-cash contribution:
  1. The provision of 14 three-bedroom units.
  2. Two (2) of the three-bedroom units are to be located at grade with convenient access to the rear amenity area.
  3. The provision of eight (8) two-bedroom units with convertible den, such den having minimum floor dimensions of eight feet by eight feet.

### **Applicable Policy**

The subject site is designated General Urban Area under Schedule B of the Official Plan. As detailed in Section 3.6.1, the General Urban Area designation permits the development of a full range and choice of housing types 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.

Section 2.5.1 of the Official Plan encourages compatible development that is not necessarily the same as the existing buildings but coexist without causing undue adverse impact.

Section 2.5.6 of the OP states that high-rise buildings require detailed attention to urban design and their impacts on the existing communities into which they are located.

The Urban Design and Compatibility policies in Section 4.11 of the Plan assess

compatibility of new buildings with their surroundings through setbacks, height transitions, colours and materials, orientation of entrances, location of loading facilities and podium design.

### **Financial Implications**

The application will establish a Section 37 Agreement with a cash contribution of \$952,295 to be divided in the following three ways to the discretion of the Ward Councillor (Ward 17 – Capital Ward):

1. Traffic calming measures.
2. Park improvements.
3. Affordable Housing

### **Public Consultation/Input**

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. An information session was also held on February 17, 2021.

Planning staff received 14 public comments regarding this application. There was some support for additional density, however, most of the comments received considered the subject site not being an appropriate location for a high-rise building.

## **RÉSUMÉ**

### **Recommandation du personnel**

Le présent rapport recommande l'approbation par le Conseil municipal d'une modification au Règlement de zonage 2008-250 visant les 30-48, avenue Chamberlain.

Cette demande de modification au Règlement de zonage a pour objet de conserver la désignation de zonage GM4 connexe, de supprimer le rapport plancher-sol, de remplacer l'exception actuelle et d'ajouter une annexe. Ces modifications permettront la construction d'un immeuble polyvalent de 16 étages abritant un espace commercial au rez-de-chaussée et 150 logements allant du studio aux appartements de trois chambres à coucher. Des aires de stationnement de surface et souterraine seront aménagées.

Les avantages communautaires suivants seront fournis dans le cadre d'une entente conclue aux termes de l'article 37 :

- Un apport en espèces de 952 295 \$ à répartir dans les trois postes suivants, à la discrétion du conseiller du quartier :
  1. Mesures de modération de la circulation
  2. Améliorations aux parcs
  3. Logement abordable
- Un apport non pécuniaire :
  4. Création de 14 appartements de trois chambres à coucher
  5. Deux (2) de ces appartements de trois chambres à coucher seront aménagés au rez-de-chaussée et disposeront d'un accès facile à l'aire d'agrément de la cour arrière.
  6. Création de huit (8) appartements de deux chambres à coucher avec coin-détente transformable d'une superficie d'au moins huit pieds sur huit.

### **Politique applicable**

L'emplacement est désigné Secteur urbain général à l'annexe B du Plan officiel. Comme le précise la section 3.6.1, la désignation de « secteur urbain général » permet l'aménagement d'un large éventail de types d'habitations qui répondent aux besoins des gens, quels que soient leur âge, leur revenu et leur situation, tout en assurant la proximité de lieux de travail, de commerces de détail, de services, d'utilisations culturelles, récréatives, institutionnelles et de divertissement.

La section 2.5.1 du Plan officiel encourage les aménagements compatibles sans supposer nécessairement la construction de bâtiments identiques ou semblables à ceux qui se trouvent déjà dans le voisinage, mais qui coexistent sans avoir d'effets négatifs indus sur les propriétés avoisinantes.

La section 2.5.6 du PO stipule que les immeubles de grande hauteur doivent faire l'objet d'une attention particulière au regard du design urbain et des répercussions sur les collectivités où ils sont construits.

Les politiques de conception urbaine et de compatibilité de la section 4.11 du PO ont pour objet d'évaluer la compatibilité des nouveaux immeubles avec le secteur environnant en ce qui concerne les retraits, les transitions de hauteur, les couleurs et

les matériaux, l'orientation de leurs entrées, l'emplacement des installations de chargement et la conception de leur socle.

### **Répercussions financières**

La demande comprendra une entente conclue aux termes de l'article 37, assortie d'un apport en espèces de 952 295 \$, somme qui sera répartie dans les trois postes suivants, à la discrétion du conseiller du quartier :

1. Mesures de modération de la circulation
2. Améliorations aux parcs
3. Logement abordable

### **Consultation et commentaires du public**

La publication des avis et la consultation publique se sont déroulées conformément à la Politique de publication des avis et de consultation publique approuvée par le Conseil municipal pour les modifications au Règlement de zonage. Une séance d'information a par ailleurs été organisée le 17 février 2021.

Le personnel chargé de la planification a reçu 14 commentaires des membres du public concernant cette demande. Un certain soutien a été manifesté à l'égard d'une densité supplémentaire, mais la plupart de ces commentaires décrivaient cet emplacement comme étant inapproprié pour la construction d'un immeuble de grande hauteur.

### **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**

30 - 48 Chamberlain Avenue

#### **Owner**

Scarabelli Realities

## **Applicant**

Fotenn Consultants

## **Architect**

Hobin Architecture

## **Description of site and surroundings**

The subject site is located at the northern edge of the Glebe neighbourhood between Bank Street to the east and Lyon Street to the west. It is 2,233 square metres in area with a frontage of 73.15 metres along Chamberlain Avenue and a lot depth of 30.5 metres. The site presently contains a surface parking lot to support the existing 2.5-storey medical office building at 30 Chamberlain Avenue and a two-storey office building at 48 Chamberlain Avenue.

## **Summary of proposed development**

The proposed development consists of a 16-storey mixed-use building with ground-floor commercial space and 150 residential units, which shall be comprised of a mix of units ranging from studio to three-bedroom. Vehicular access for the development is to be provided from Chamberlain Avenue, on the western portion of the subject property. Two underground parking levels provide 70 vehicle and 150 bicycle parking spaces. Nine (9) at-grade vehicle parking spaces are located along the western property line.

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

The subject lands are zoned General Mixed-Use, Subzone 4, Maximum Floor Space Index of 3.0 (GM4 F(3.0)) with the easternmost portion of the site also being subject to Urban Exception 469, which permits a medical facility. The purpose of the General Mixed-Use Zone is to allow residential, commercial and institutional uses, or mixed-use development and permit uses that are often large and draw from broader areas than the surrounding community.

To facilitate the proposed development, the Zoning By-law Amendment proposes to maintain the parent GM4 zone, replace Exception 469 with a new site-specific exception to be applied throughout the entire site, and apply a new schedule. The new performance standards will be as follow:

1. Maximum building height: 52 metres



2. Extend across the whole site the permission for a Medical Facility Use under Urban Exception 469
3. Minimum rear yard setback for a tower: 8.0 metres
4. Minimum interior side yard setback for a tower: 10.0 metres
5. Minimum setback from a rear exterior wall for a rooftop amenity area: 1.5 metres
6. Minimum width for a double traffic lane leading to a parking lot: 6.0 metres
7. Minimum aisle width for a parking lot: 6.0 metres
8. Minimum residential parking rate: 0.37 per unit
9. Minimum bicycle parking rate: one per unit
10. Stacked bicycle parking is permitted
11. Minimum width of landscaped area abutting a residential zone: 4.2 metres
12. Require an opaque screen of a minimum height of 2.0 metres for a parking lot abutting a residential zone.
13. Minimum percentage of landscaping for parking lot: 0 per cent

### **Brief history of proposal**

The proposed high-rise development was submitted and deemed complete on December 3, 2020. While the subject lands were included in the ongoing Bank Street in the Glebe Height and Character Study, this study has been in progress since August 2018. Given the length of time to undertake and complete a Secondary Planning study, such as this, it is not uncommon to see development applications submitted for individual properties inside the study area prior to the completion of the Secondary Plan study or to have properties removed from a study area. Submitting development applications in a study area while a planning study is underway is permitted under the *Planning Act* and as such, the Owner wishes to proceed and have their proposal considered on its own merits with respect to the current policy direction approved by City Council. This does not mean that the efforts of the entire Secondary Plan Study should cease, but only that a property with a development application may proceed with consideration of currently approved Council policies.

Given the property Owner's decision to proceed, the proposed development application was received with concerns by the abutting owners, local community, and local councillor. The initial proposal was proposing minimal tower separation to the east, no tower setback to the south, and a parking ramp running along part of the rear property line. Following discussions with staff, the proposal was revised to provide a 10 metre tower setback to the east, a 0.5 metre tower setback to the south (which is introduced to differentiate the tower from its podium), and to relocate the parking ramp entirely under the building (to remove the impact on the abutting properties to the rear). Although the garage door will be below grade, staff requested a wall to be erected at grade to obstruct its operation noise.

## **DISCUSSION**

### **Public consultation**

An information session organized by the ward councillor was held with the community on February 17, 2021. The attendance was in the range of 30 participants.

For this proposal's consultation details, see Document 6 of this report.

### **Official Plan designations**

The subject site is designated 'General Urban Area' under Schedule B of the Official Plan. As detailed in Section 3.6.1, the General Urban Area designation permits the development of a full range and choice of housing types 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 will facilitate the development of complete and sustainable communities. A broad scale of uses is found within this designation, from ground-oriented single-purpose to multi-storey mixed-use; from corner store to shopping centre.

Generally, development within the General Urban Area is to be of a low-rise form (Policy 3), however, notwithstanding this policy, Policy 4 permits consideration for new taller buildings on sites that front an Arterial Road as per Schedule E of the Official Plan and are on a Transit Priority Corridor as per Schedule D.

Section 2.5.1 of the Official Plan encourages compatible development that is not necessarily the same as the existing buildings but coexist without causing undue adverse impact. The Urban Design and Compatibility policies in Section 4.11 of the Official Plan assesses compatibility of new buildings with their surroundings through

setbacks, height transitions, colours and materials, orientation of entrances, location of loading facilities and podium design.

Section 2.5.6 of the OP states that high-rise buildings require detailed attention to urban design and their impacts on the existing communities into which they are located. It specifically states that building design and appropriate transitions, as identified in Section 4.11, should be provided to reduce impacts on existing developed areas.

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

The [Urban Design Guidelines for High-Rise Buildings are also applicable to the site](#). While these guidelines are not policies, nor are they a checklist that must be completed to evaluate the appropriateness of a proposal, they can provide guidance in addressing compatibility through massing, setbacks and transitions, including a podium, orienting the tower to minimize the extent of shadowing and intrusion of privacy.

### **Urban Design Review Panel**

The property is within a Design Priority Area and the proposed development is subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at an informal Pre-Consultation meeting held on November 6, 2020. The formal review will take place during the Site Plan Control process.

### **Planning rationale**

#### **Official Plan**

As mentioned above, Policy 4 of Section 3.6.1 permits consideration for new taller buildings in certain situations. Two of these are where a site fronts an Arterial Road and is on a Transit Priority Corridor. The proposed development satisfies these policies as it meets these criteria.

The Official Plan 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, can enhance an established community through good design and innovation and coexists with existing development without causing undue adverse impact on surrounding properties. It 'fits well' within its physical context and 'works well' with the existing and planned function. The Official Plan also states that good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings.

Section 4.11 provides direction to incorporating a successful design of a building into the surrounding community. Policy 5 indicates that compatibility is achieved in part through the design of the portions of the structure adjacent to existing buildings, more specifically in the context of:

- a. Setbacks, heights and transition;
- b. Façade and roofline articulation;
- c. Colours and materials;
- d. Architectural elements, including windows, doors and projections;
- e. Pre- and post-construction grades on site; and
- f. Incorporating elements and details of common characteristics of the area.

Policy 6 states that all applications for new development will be required to:

- a. Orient the principal façade and entrance(s) of main building(s) to the street.
- b. Include windows on the building elevations that are adjacent to public spaces;
- c. Use architectural elements, massing, and landscaping to accentuate main building entrances.

With respect to Massing and Scale, Policy 10 indicates that where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:

- a. Building height, massing and scale permitted by the planned function of adjacent properties, as well as the character established by the prevailing pattern of abutting development and development that is across the street;
- b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by existing zoning where that pattern is different from the existing pattern of development;

- c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section

While policy 10 also refers to approved Design Guidelines, as applicable, this does not mean that these guidelines are to be treated as policy, it only means that regard should be made to them, as is the normal case with all guidelines. How this proposal satisfies the appropriate guidelines is presented below.

Policy 14 indicates that High-Rise Buildings are a form of high-density development that can contribute to intensification, housing and employment opportunities and provide new view, skyline and landmark possibilities. It indicates that High-Rise buildings should be designed to achieve the objectives of the Official Plan and avoid or reduce impacts or disruptions associated with:

- a. pedestrian comfort, safety and usability resulting from changes to wind and shadow patterns in outdoor amenities and adjacent public and private spaces surrounding the building;
- b. public views, including view planes and view-sheds referred to in Policy 3 above
- c. proximity to heritage districts or buildings,
- d. reduced privacy for existing building occupants on the same lot or on adjacent lots,

Policy 15 indicates that High-Rise buildings can achieve many of the urban design objectives and address the impacts described above in the following ways:

- a. The base of a high-rise building should respect the scale, proportion, and character of the surrounding buildings, adjacent streets, parks, and public or private open spaces and animate such spaces.
- b. The tower should step back from the base where possible. The tower design can reduce the building impacts identified above by incorporating an appropriate separation from existing or future adjacent towers located on the same lot or on an adjacent lot. The responsibility for providing an appropriate tower separation shall generally be shared between owners of abutting properties where high-rise buildings are permitted.

- c. Floor plates may also vary depending on the uses and the context. Generally, towers with larger floor plates may require a greater separation from adjacent towers.

With respect to these policies, the proposed development will feature a three-storey bricked podium to reflect the scale and materiality of the abutting low-density residential buildings to the south. Its tower will have a modest floorplate of 670 square metres and will be setback 10 metres from the closest side lot line (east). A soft surface/landscaped rear yard will be provided through the site control approval process along the entire width of the abutting residential lots. The main entrance to the building will be facing the arterial road (Chamberlain Avenue).

#### Urban Design Guidelines for High-rise buildings

As there is no Secondary Plan for the subject lands, regard should be had for the Urban Design Guidelines for High-rise Buildings. Guideline 1.17 states that when a proposed high-rise building abuts lots where only low-rise residential buildings are permitted, the lot should be of sufficient width or depth to establish the desirable transition: a. in the Central Area and the emerging downtown districts the lot should be of sufficient size to establish a minimum 20 metre tower setback from the abutting low-rise residential properties; and b. in other areas, the lot should be of sufficient size to establish a gradual height transition on site by generally following an angular plane, typically 45 degrees.

While ultimately the decision before Committee and Council is whether the proposed development satisfies the policies of the Official Plan on its own merits and not in relation to other possibilities, debate has concerned the alternative of a podium and point tower approach to that of a mid-rise bar building (approximately six storeys) and the application of a 45-degree angular plane in a same way as required for a Traditional Mainstreet zoning.

Following the public circulation period and a community information session, where the two built forms were debated, staff conducted a site visit in the area to assess the impact of existing mid-rise buildings abutting low-density residential buildings.

Document 8 shows pictures taken from behind 100 Isabella Street (seven storeys) and 30 Pretoria Avenue (six storeys). The pictures also show red markings suggesting a vertical relocation of the floors above the third storey. Staff's intent was to compare the impact of a mid-rise scenario with the proposed three-storey podium and slim tower (670 square metres footprint). Staff also visited the Rosebery Avenue properties located

behind the subject site to visualise and compare the two built forms (three-storey podium with tower versus six-storey). It is important to mention that the consolidated property is shallow (30.5 metres before the 2.9 metres required road widening) and equivalent in width to seven residential properties behind (37 to 53 Rosebery Avenue). It is also important to mention that the proposed tower rear façade (south) is 32 metres, which is less than the width of three residential lots.

#### Transition and Mass

As mentioned above, the proposed tower rear façade (south) will be 32 metres in width and the front façade (north) 41 metres, which represents about half of the subject site. The three-storey podium is proposed to be located 7.5 metres from the rear property line, along with a 0.5 metres stepback for the tower. Although it is acknowledged that the eight metre setback proposed for the tower is not in keeping with the Urban Design Guidelines recommended distance from the low-density residential use properties at the rear (south), staff would like to point out that due to the wide and shallow configuration of the consolidated site, a five to nine storey 70-metre wide bar building with a 7.5 metres rear yard setback could be constructed in compliance with the Guidelines. Nevertheless, while complying with the guidelines, there are negative planning consequences with such a long bar like massive structure imposing upon the buildings existing to the south.

Starting from that observation, staff looked more closely at the potential proximity of mass and compared different scenarios for its redistribution.

Although it is also acknowledged that the 45-degree angular plane is being encroached upon, staff would like to point out that with the proposed three-storey podium and slim tower rather than for example, a six-storey mid-rise scenario, about half of the 70 metre wide horizontal building mass would be released by relocating the mass above the third storey, vertically. More specifically, 38 metres of the fourth floor, where the angular plane does not apply, and the portions of the fifth and sixth storeys under the angular plane would be released and redirected vertically. It is acknowledged that the properties located at 39 to 47 Rosebery Avenue, mainly 43 and 45, will not benefit from the mass relief as they will be aligned with the tower. It does coincidentally happen that these properties have a generous large mature trees canopy along the rear property line, therefore helping to mitigate the tower proximity.

#### Privacy

In terms of privacy, the same relief would apply in redirecting most of the fourth, fifth,

and sixth storeys windows vertically, away from the abutting Rosebery Avenue residences backyards and rear windows. It is staff's position that the higher the windows will be (above the sixth floor), the more the perspective will extend past the Rosebery residences, looking away from the backyards and rear windows. As was mentioned above, while the properties located at 39 to 47 Rosebery Avenue, mainly 43 and 45, will not benefit from the overlooking window relief, the generous large mature trees canopy along the rear property line will help to obstruct the view into their backyards and rear windows.

#### Sun and sky view

While all buildings create shadows and shadows will be cast on surrounding properties, the planning consideration is to mitigate the impact of shadowing to the amount practicable. As such, the proposed development being located north and featuring a low podium combined with a slim tower, reduces the window of time of sun obstruction. The revised shadow study submitted following circulation assessed a six-storey scenario and that of a tower scenario and revealed that with the latter, the outcome of shadowing on the properties immediately abutting to the south would be less impactful. Although properties to the south would have their backyards shadowed, the shadows from the slender tower would move swiftly across their properties and most of them would still have sun reaching/entering their houses.

In terms of sky view, a significant relief is provided by a three-storey podium rather than a six-storey building. For the two most affected properties (43 and 45 Rosebery Avenue), as mentioned above, a generous large mature trees canopy already covers the sky view.

#### Location

The subject site is located at the northern edge of the Glebe community. It is accessed from Chamberlain Avenue, which is immediately adjacent to Highway 417. Although the low-density uses and planned function to the south requires a sensitive approach to the proposed increased density, it is important to acknowledge that the subject site is located along an arterial road, where additional height can be considered under the Official Plan. It is also important to mention that the subject site is located along a Transit Priority Corridor, where higher density is promoted by the Official Plan. Furthermore, by being adjacent the Queensway, which is classified as a Scenic Entry Route under Schedule I of the Official Plan, a carefully designed tower could constitute



a positive addition to the Scenic Entry Route. For the reasons mentioned above, staff does not have concerns with the potential replicability into the neighbourhood.

#### Parking

Staff was not supportive of the initial relief sought to share visitor parking with commercial parking.

Staff is supportive of a residential parking reduction from 62 spaces to 58 as the proposed development will be located along a Transit Priority Corridor, Chamberlain Avenue will be upgraded to incorporate a multi-use pathway, and the neighbourhood services are at walkable distance.

As previously mentioned, a parking ramp running along part of the rear property line was initially proposed. Following discussions with staff, the proposal was revised to relocate the parking ramp entirely under the building (to remove the impact on the abutting properties to the rear). Although the garage door will be below grade, staff requested for a wall to be erected at grade to obstruct its operation noise.

#### **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 land use planning.

The proposed development seeks an increase in gross floor area of 5,520.55 square metres, and an increase in height from 14 metres (four storeys) to 51 metres (16 storeys). The proposed Gross Floor Area and height are more than 25 per cent of the permitted as of right. As such, the owner is required to provide a Section 37 contribution.

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 density and height.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution, based on a gross floor area of 5,520.55 square metres, for this proposal has been determined to be \$952,295 after considering all draw-down factors.

The combined benefits to be secured and provided through a Section 37 Agreement are:

- A cash-contribution of \$952,295 to be divided in the following three ways to the discretion of the Ward Councillor (Ward 17 – Capital Ward):
  1. Traffic calming measures.
  2. Park improvements.
  3. Affordable Housing
- The following non-cash contribution:
  1. The provision of 14 three-bedroom units to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
  2. Two (2) of the three-bedroom units are to be located at grade with convenient access to the rear amenity area, to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
  3. The provision of eight (8) two-bedroom units with convertible den, such den having minimum floor dimensions of eight feet by eight feet and to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.

The details of the Section 37 contributions are also contained within the Zoning By-law Amendment (see Document 2). These community benefits will be secured through the Site Plan Control Agreement, 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 in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, 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 2020 Provincial Policy Statement.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor Menard is aware of the recommendations as outlined in the report.

## **LEGAL IMPLICATIONS**

If Council adopts the staff recommendation and an appeal is brought to the Local Planning Appeal Tribunal, a hearing on the matter is anticipated to take approximately three days and can be managed with internal resources. Should Council not adopt the staff recommendation, written reasons must be provided for the rationale. In such instance, if an appeal is brought to the Tribunal, the matter is anticipated to take 2-3 days and the City would need to retain an external land-use planner.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations in this report.

## **FINANCIAL IMPLICATIONS**

A cash-contribution of \$952,295 to be divided in the following three ways to the discretion of the Ward Councillor:

Ward 17

- Traffic calming measures
- Park improvements
- Affordable Housing

The following non-cash contribution:

- The provision of 14 three-bedroom units to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
- Two (2) of the three-bedroom units are to be located at grade with convenient access to the rear amenity area, to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
- The provision of eight (8) two-bedroom units with convertible den, such den having minimum floor dimensions of eight feet by eight feet and to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.

The community benefits will be secured prior through the Site Plan Control Agreement. Details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment.

In the event that the application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services' operating budget.

### **ACCESSIBILITY IMPACTS**

The new development will be required to meet the accessibility criteria contained within the *Ontario Building Code*.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Integrated Transportation
- Thriving Communities

### **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-20-0119) was not processed by the "On Time Decision Date" established for the processing of Zoning

By-law Amendments due to workload volumes and the complexity of the application.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Proposed Zoning Schedule

Document 4 Perspectives of proposed Development

Document 5 Proposed Site Plan

Document 6 Consultation Details

Document 7 Site visit pictures

## **CONCLUSION**

Staff supports the Zoning By-law Amendment to permit the proposed 16-storey mixed-use building. Staff are satisfied that a three-storey podium combined with a 670 square metre tower constitute a form of development that redistributes the building mass, overlook, and shadowing in a way that meets the policies of the Official Plan.

The proposed development, by containing 22 family-sized units, will offer the full range of unit types (from studio to three-bedroom) to meet the needs of all ages, incomes and life circumstances, this in combination with conveniently located neighbourhood services, leisure, and institutional uses. It will contribute to the development of a complete and sustainable community.

## **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

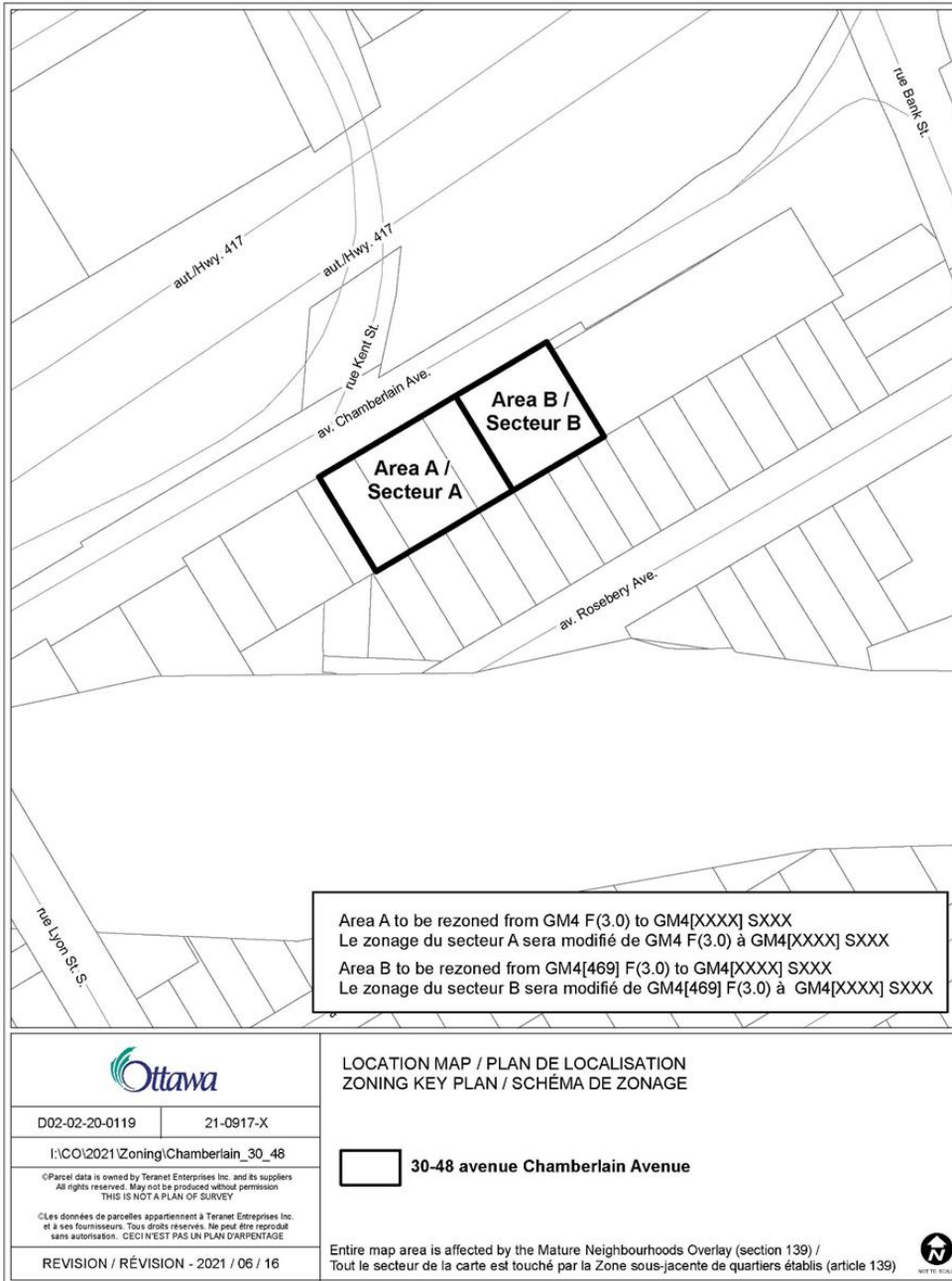
Legal Services, Innovative Client Services Department to forward the implementing

by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

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



## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 30, 38, 42, and 48 Chamberlain Avenue:

1. To rezone the lands municipally known as 30-48 Chamberlain Avenue as shown in Document 1
2. Amend Part 17 – Schedules, by adding Schedule XXX, as shown in Document 3.
3. Add a new exception, [XXXX], to Section 239 - Urban Exceptions with provisions similar in effect to the following:
  - a) Add to Column II the text: “GM4[XXXX] SXXX”
  - b) In column III add text, “medical facility”
  - c) In Column Add to Column V, Provisions, the text:
    - Height and setbacks as per SXXX
    - Minimum setback from a rear exterior wall for a rooftop amenity area: 1.5 metres
    - Minimum width for a double traffic lane leading to a parking lot: 6.0 metres
    - Minimum aisle width for a parking lot: 6.0 metres.
    - Minimum residential parking rate: 0.37 per dwelling unit
    - Minimum bicycle parking rate: 1 per dwelling unit
    - Stacked bicycle parking is permitted
    - Minimum width of landscaped area abutting a residential zone: 4.2 metres
    - An opaque screen of a minimum height of 2.0 metres is required for a parking lot abutting a residential zone.
    - Minimum percentage of landscaping for parking lot: 0 per cent
4. Amend Column II of Exception 469 in Section 239 – Urban Exceptions by deleting “GM4[469] F(3.0)”.



5. 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*, 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 (XX) 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 (XX) 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.
6. The following will be added as Section (XX) of Part 19 of the Zoning By-law, will be titled 30, 38, 42, and 48 Chamberlain Avenue and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

30, 38, 42, and 48 Chamberlain Avenue

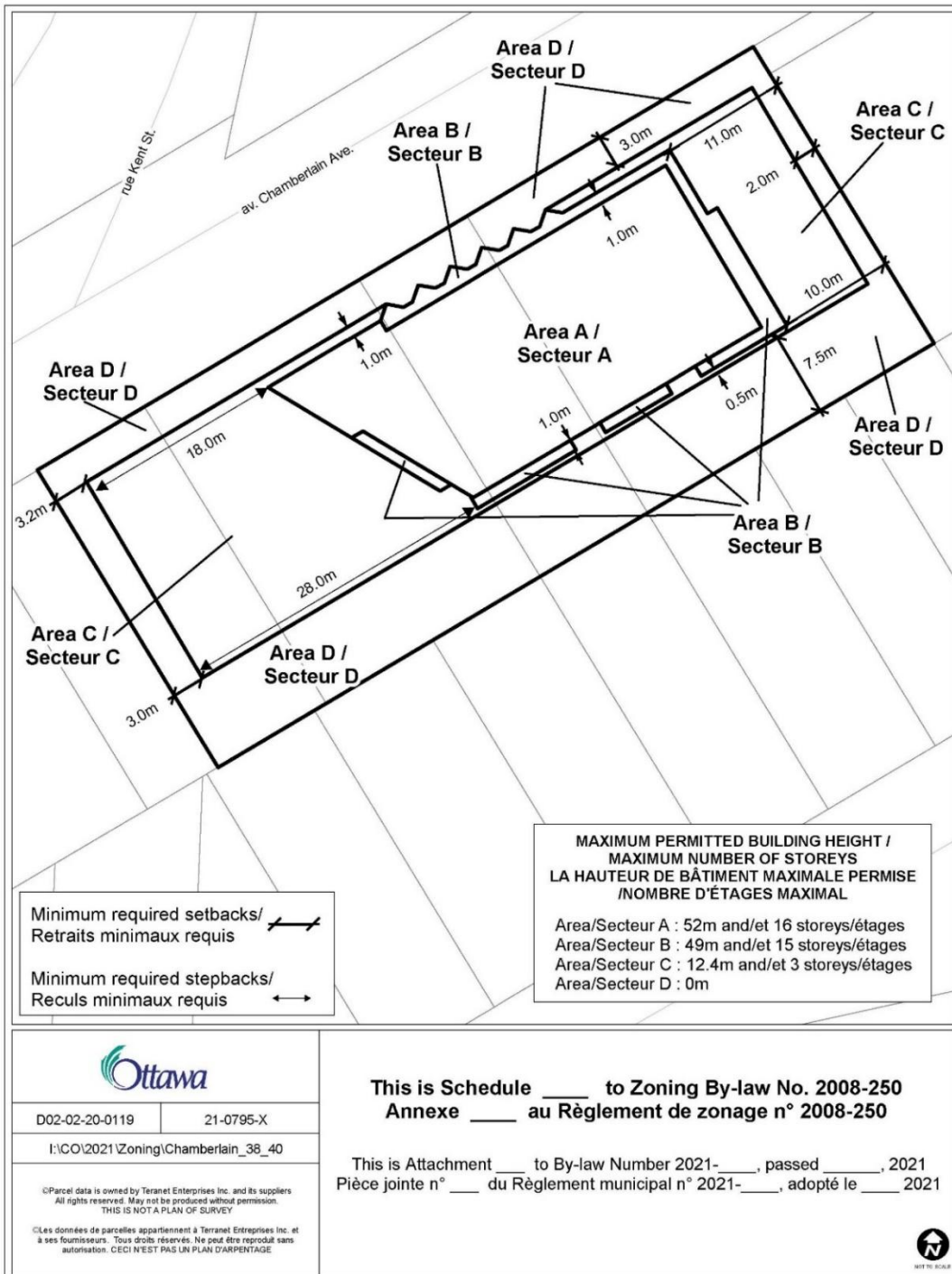
The City shall require that the owner of the lands at 30-48 Chamberlain Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the 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 \$952,295 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 benefits to be secured are:
- A cash contribution of \$952,295 to be divided in the following three ways to the discretion of the Ward Councillor (Ward 17 – Capital Ward):
    1. Traffic calming measures.
    2. Park improvements.
    3. Affordable Housing
  - In addition, the following non-cash contributions will also be provided as part of the Section 37 agreement and secured through the site Plan Control Agreement:
    1. The provision of 14 three-bedroom units to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
    2. Two (2) of the three-bedroom units are to be located at grade with convenient access to the rear amenity area, to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
    3. The provision of eight (8) two-bedroom units with convertible den, such den having minimum floor dimensions of 8 ft x 8 ft and to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development.
- 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.

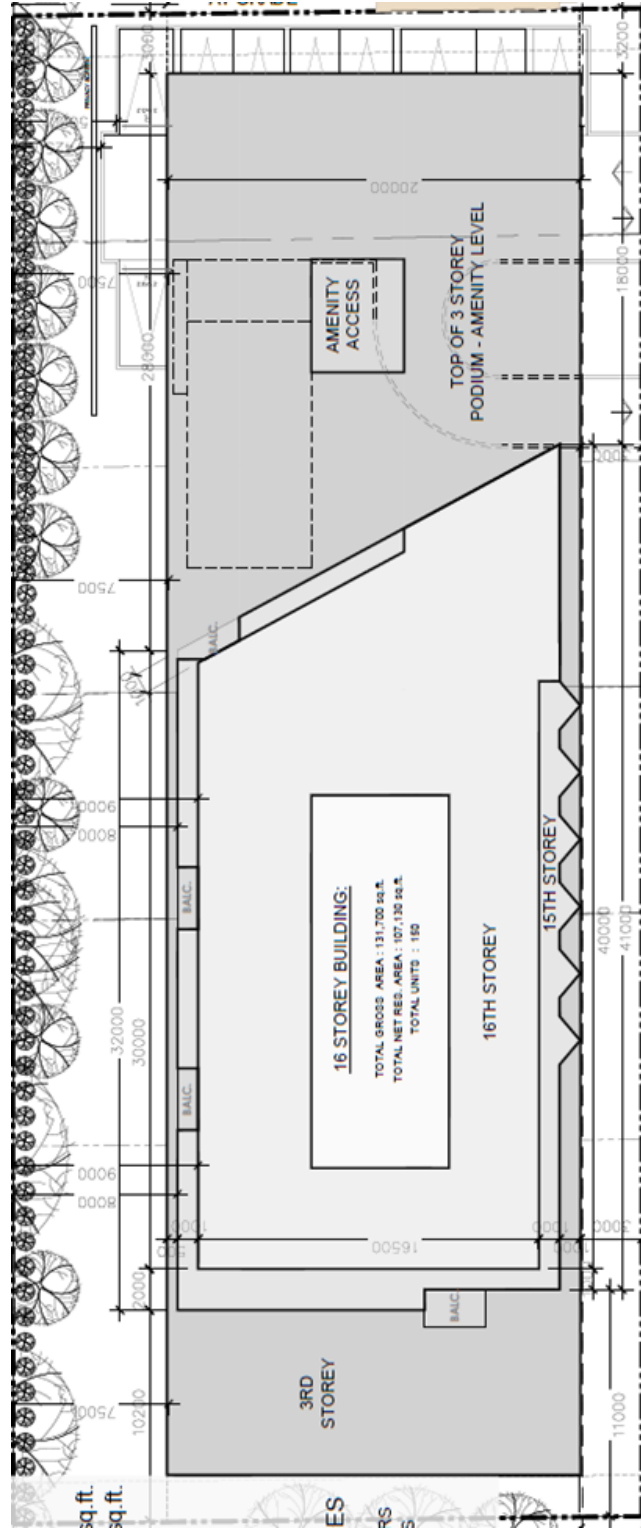
Document 3 – Proposed Zoning Schedule



**Document 4 – Perspectives of proposed Development**



Document 5 – Proposed Site Plan



## **Document 6 – Consultation Details**

### Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Planning staff received 14 public comments regarding this application.

An information session was also held on February 17, 2021. The comments are grouped according to theme below:

### Public Comments and Responses

#### Comment:

Affordable and accessible units should be provided as part of the proposed development. All citizens and community needs should be considered with intensification.

#### Response

Through Section 37, staff was able to secure 14 three-bedroom units, eight(8) 2-bedroom units with convertible dens (8ft x 8ft), and a contribution towards Ward 17 specific fund for affordable housing.

#### Comment

The neighbourhood needs more density to support economic/ecological sustainability, transit, and the vibrancy of local street life.

#### Response

Staff is supportive of the proposed high rise.

#### Comment

The City indicated during the Bank Street Character and Height Study community meeting that the site does not support buildings of a greater height than 6 storeys due to depth of the lots and proximity to the homes on Rosebery Avenue. A 16-storey building is a significant departure from what the City has determined to be appropriate for that site.

Response

Throughout the site-specific rezoning process, Development Review staff shared its analysis and observations, which compared different scenarios for mass redistribution, with the Policy Group, Councillor's Office, and representatives of the local community. The department does not have a final position on a proposed development until the report is signed by the file lead and the Director.

Comment

The proposed development does not follow the Urban Design Guidelines that require a 20-metre setback from abutting low-rise residential properties. A large tower would have a negative impact on the privacy of the Rosebery Avenue properties with windows and balconies overlooking into the homes and yards, as well as cause significant shadowing.

Response

While guidelines are not Council policy direction, no such separation distance is recommended for a mid-rise built form. Due to the long configuration of the site, a five to nine storey bar building with a 7.5 metres rear yard setback would not contravene the Guidelines. The proposed three-storey podium combined with a slim tower rather than a six-storey scenario would release about half of the 70-metre wide horizontal building mass by relocating the fourth, fifth, and six storeys vertically, away from most of the Rosebery Avenue residences backyards and rear windows.

Comment

The trees on the adjacent sites must be preserved.

Response

Throughout the rezoning process, staff requested for the access ramp proposed along the rear property line to be relocated under the building to free-up the back yard. It was also requested to move the underground parking garage towards the north to allow for the plantation of mature trees.

Comment

Rosebery is a family-oriented street with a strong sense community as well as a vibrant part of the Glebe. There is more than enough room for tall buildings of this type in Centretown north of the 417, which is appropriately zoned for this size and scale.



Response

The subject site is located at the edge of the community along an arterial road, where additional height can be considered under the Official Plan. It is also located along a Transit Priority Corridor, where higher density is promoted by the Official Plan. By being adjacent the Queensway, which is classified as a scenic route in the Official Plan, a carefully designed tower would constitute a positive addition to the scenic route.

Comment

The Glebe is a residential neighbourhood and building a 16-story tower would dramatically alter the community feel of living amongst family home that are 2-3 stories in height. It would destroy the human scale of the neighbourhood.

Response

The subject site is located at the edge of the community along an arterial road. It will feature a three-storey podium, which element was kept to scale with the abutting 2-3 storey height.

Comment

Concern with added parking pressure on nearby local streets.

Response

The sought relief on the visitor parking is not supported by staff.

Comment

The below grade parking entrance will direct light pollution, and possibly exhaust, to the residences on Rosebery Avenue. In addition, it would add noise from the opening and closing of the garage door, and noise from service vehicles. Exhaust will be directed to backyards of these homes. The parking garage door location and access needs to be reconsidered.

Response

Throughout the rezoning process, staff requested for the access ramp proposed along the rear property line to be relocated under the building to free-up the back yard. It was also requested to move the underground parking garage towards the north to allow for the plantation of mature trees.

Comment

The construction vibration could cause unnecessary hardship on the homes adjacent to the proposed building. A pre-construction survey for all homes on Roseberry should be done should the project move forward.

Response

Protection measures for the adjacent homes will be addressed through the site plan approval process.

Additional consultation

Following the circulation period and community information session, staff met on three different occasions with the local councillor's office, residents, and community association representatives to discuss the findings of the sites visits:

April 29, 2021

Meeting with the councillor's office, legal counsel for the Roseberry residents, and a representative of the Roseberry residents.

May 13, 2021

Meeting with the councillor's office, the development team (applicant), legal counsel for the Roseberry residents, a representative of the Roseberry residents, and a representative of the community association.

June 7, 2021

Meeting on site with the local councilor, legal counsel for the Roseberry residents, Roseberry residents, and a representative of the community association.

**Document 7 – Site visit pictures**

From Pretoria looking north to an existing seven-storey building located at 100 Isabella Street:



From Strathcona looking north to a six-storey building under construction at 30 Pretoria Avenue:

