

1. Zoning By-law Amendment – Part of 2065 Portobello Boulevard

Modification du Règlement de zonage – Partie du 2065, boulevard Portobello

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for a part of 2065 Portobello Boulevard to permit three low-rise apartment buildings within a planned unit development, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve la modification du Règlement de zonage (no 2008-250) visant une partie du 2065, boulevard Portobello, afin que soit permise la construction de trois immeubles d'appartements de faible hauteur au sein d'un complexe immobilier, comme l'explique le document 2.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 24, 2021 (ACS2021-PIE-PS-0089)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 24 août 2021 (ACS2021-PIE-PS-0089)
2. Extract of draft Minutes, Planning Committee, September 9, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 9 septembre 2021
3. Extract of draft Minutes, Planning Committee, September 23, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 23 septembre 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
9 September 2021 / le 9 septembre 2021**

**and Council
et au Conseil
22 September 2021 / 22 septembre 2021**

**Submitted on 24 August 2021
Soumis le 24 août 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: CUMBERLAND (19)

File Number: ACS2021-PIE-PS-0089

SUBJECT: Zoning By-law Amendment – Part of 2065 Portobello Boulevard

**OBJET: Modification du Règlement de zonage – Partie du 2065, boulevard
Portobello**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for a part of 2065 Portobello Boulevard to permit**

three low-rise apartment buildings within a planned unit development, as detailed in Document 2.

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the 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 September 22, 2021," subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver la modification du Règlement de zonage (n° 2008-250) visant une partie du 2065, boulevard Portobello, afin que soit permise la construction de trois immeubles d'appartements de faible hauteur au sein d'un complexe immobilier, comme l'explique le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et 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 22 septembre 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.

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

Part of 2065 Portobello Boulevard

Owner

Provence Orleans Realty Investments Inc.

Applicant

Evan Garfinkel – Regional Group of Companies

Description of site and surroundings

The subject site is part of a larger parcel municipally addressed as 2065 Portobello Road. The subject site is situated on Portobello Boulevard north of Nantes Street and abutting a future transitway corridor to its north. A future road, Mercantour Ridge, is proposed to abut to the east of the subject site. The site is approximately 1.5 hectares and has 217 metres of frontage along Portobello Boulevard. The subject site is a proposed block, Block 52, on Regional Group's Provence Orléans Subdivision Phase 6 (City Subdivision File No. D07-16-19-0030). Phase 6 received Draft Plan of Subdivision approval in June 2021. The site is also under a current Site Plan Control (City Site Plan Control File No. D07-12-20-0172) review.

The site is currently vacant. To the east are lands forming part of the balance of Provence Orléans Subdivision Phase 6 lands. Further to the east and directly west are lands forming part of other Regional Group Provence subdivision phases (Phases 1 to 5), which were draft approved on July 5, 2019. To the southeast of the site is Lalande Conservation Park, a school, as well as existing low and medium density residential housing.

This parcel will tie into the existing road and servicing network.

Summary of requested Zoning By-law Amendment proposal

A Zoning By-law Amendment is being requested to permit three low-rise apartment buildings within a planned unit development (PUD). This PUD is within Regional Group's Provence Orléans Phase 6 subdivision, which has an approved Draft Plan of Subdivision. The PUD is Block 52 on the Draft Plan of Subdivision.

The total number of residential units proposed is 177 units within the PUD and will be served by a surface parking lot with two hundred and 15 parking spaces on an internal roundabout.

The majority of the site is currently zoned Development Reserve (DR) whilst a small portion at the southeast corner is zoned Environmental Protection (EP). The applicant is seeking to rezone the subject site to Residential Fourth Density, Subzone Z, with an exception (R4Z[XXXX]). The intent of these exceptions, allow for a more efficient use of the parcel than would be permitted under the standard R4Z zone.

DISCUSSION

Public consultation

This application was subject to the Public Notification and Consultation Policy. A Statutory Public Meeting was held with the community through the Zoom platform on June 24, 2020, for the Plan of Subdivision, and an additional Public Information Session was held on February 10 through Zoom for the Site Plan Control Application. Comments and concerns received from the residents at this meeting and in correspondence include increased height and density for the apartments, increased traffic, additional noise from increased housing and the transitway, along with the environmental impacts and the preservation of the woodlot.

In response to these comments, the City of Ottawa has reviewed the Transportation Impact Assessment in support of this development and has found that the existing road infrastructure will accommodate the proposal. A Noise Impact Feasibility Report was submitted in support of this application to ensure proper mitigation, if required, is implemented with this development. The applicant responded to the public's concerns regarding the height by withdrawing their Official Plan Amendment application. They were originally requesting the apartments within the PUD to be 6-storeys. The Zoning By-law Amendment has been revised to replace the original proposal of four six-storey apartments to three four-storey apartments.

The Cumberland Neighbourhood Development Plan for this residential area was approved by the City of Cumberland in 1994. The Cumberland Transitway Environmental Assessment Study was completed in October 1999 which determined the alignment of this corridor. An approval of an R4Z with exceptions will implement the objectives of this neighbourhood plan as the higher density units shall be close to the future transit station.

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

Official Plan designations

This property is designated General Urban Area on Schedule B – Urban Policy Plan of the City of Ottawa Official Plan and Urban Area on Schedule A. This designation permits many types and densities of housing. The predominant form of development and intensification will be single detached, semi-detached along with other ground-oriented multiple unit housing and low-rise apartments.

The General Urban Area permits higher density uses that may generate traffic, noise or other impacts that have a potential to create conflicts with the surrounding residential community. The City will ensure that anticipated impacts can be adequately mitigated or otherwise addressed. Such uses are to be directed to locations along the Rapid Transit and Transit Priority network, or a major collector road with sufficient capacity to accommodate the anticipated traffic generated and where frequent, all-day transit service can be provided. The uses should also be directed on the perimeter of established residential development. Proper building orientation, massing and design, the presence of noise mitigation and buffering will be considered.

This proposed development for a planned unit development containing low rise apartment buildings for residential purposes is in accordance with the policies.

Other applicable policies and guidelines

A Neighbourhood Development Plan for the residential neighbourhoods in the Urban Expansion Area of the City of Cumberland was approved in May 1994. This plan provided a detailed land use plan for each neighbourhood, complete with road patterns and specific land use distributions. The lands subject to this application are located in what is identified as Neighbourhood 3. The intent for this area, which is near a future transitway corridor and station, is to transition to higher density development than what is present to the southeast (i.e. low-rise residential uses). The proposal is to continue to provide a mix of residential unit types similar to the rest of the neighbourhood and have the higher density units closest to the future Bus Rapid Transit. The proposed development has been designed to recognize the importance of the future transitway, with the higher density in proximity to one of the future transit stations and to place the lower density further away.

The applicant is proposing a multi-unit residential development on this block which is subject to a current Site Plan Control review. Under this site plan control, the applicant is proposing three four-storey, residential use rental apartment buildings on Block 52, fronting onto Portobello Boulevard and adjacent to a future Bus Rapid Transit station. This proposal is in conformity with the Official Plan designation which predominantly permits low-rise buildings with a height of four-storeys or less.

Urban Design Review Panel

The site was not subject to the Urban Design Review Panel.

Planning Rationale

The subject application has been examined pursuant to the provisions of the Official Plan and is deemed to comply with the provisions for development in a General Urban Area designation. The intent of the General Urban Area designation is to permit a full range of housing types to accommodate the needs of all ages, income levels and life circumstances, along with conveniently located retail, leisure, institutional and employment uses to create a complete and sustainable community. The proposal also meets several principles under the Urban Design Objectives and Principles as well as the Compatibility criteria within the Official Plan.

The Provincial Policy Statement commits to ensuring the provision of sufficient housing to meet changing needs, including affordable housing, as well as ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs. The proposed block within the subdivision is consistent with these policies and is providing residential development within a settlement area, utilizing land and existing infrastructure efficiently. The proposed unit mix provides a variety of housing forms and is designed to promote appropriate development standards which facilitates intensification. The proposal is designed to help promote a healthy and active community by providing easy access to not only the upcoming transit network, but also area recreational amenities within a combined pedestrian and cycling network promoting active transportation.

A Neighbourhood Development Plan for the residential neighbourhoods in the Urban Expansion Area of the City of Cumberland was approved in 1994. The intent was for this area near the future transitway corridor and station to a development consisting of higher density that would transition towards the lower density residential development. The proposed development has been designed to recognize the importance of the

future Transitway, with the higher density in proximity to the future transit station and the lower density further away.

A rezoning to permit R4Z is appropriate at this location as it fulfils the objectives of the Official Plan, the Neighbourhood Development Plan for the residential neighbourhoods in the Urban Expansion Area of the City of Cumberland and the Cumberland Transitway Environmental Assessment Study.

An exception is being sought to allow reduced parking on the subject site as it is adjacent to a future Bus Rapid Transit station at Portobello Boulevard. The standard parking requirement under the Zoning By-law for low-rise apartments is 1.2 spaces per dwelling unit with an additional 0.2 spaces per unit for visitor parking. The proposal would reduce the parking requirement to 1.0 space per dwelling unit with no changes to the visitor parking rate of 0.2 spaces per unit. The exception being sought is appropriate as it accounts for the future Bus Rapid Transitway (BRT) and its station to be constructed north of the Subject Site. It is anticipated that following the build out of this Bus Rapid Transit corridor, there will be less reliance on automobiles given the convenient access to transit and local service and amenities.

This Zoning By-law amendment also seeks to set the front yard, rear yard and interior side yard setbacks and building height. The minimum front yard, rear yard and interior side yard shall be set at three metres each. The maximum building height shall be set at 15 metres.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement. It is providing residential development within a settlement area, utilizing land and existing infrastructure efficiently. The proposal is designed to promote a healthy and active community by providing easy access to the area recreational amenities within a combined pedestrian and cycling network promoting active transportation, and slightly intensified residential density closer to a rapid transit corridor.

RURAL IMPLICATIONS

This Zoning By-law amendment is not expected to impact the rural area.

COMMENTS BY THE WARD COUNCILLOR

Councillor Kitts is aware of the application related to this report.

LEGAL IMPLICATIONS

In the event the recommendations are adopted and the matter is appealed to the Ontario Land Tribunal, it is expected that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. An external planner would need to be retained by the City.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the report recommendations. In the event 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

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The majority of the site is zoned Development Reserve (DR) whilst a small portion of the southeast corner is zoned Environmental Protection (EP). The applicant is seeking to rezone the subject site to Residential Fourth Density, Subzone Z, with an exception (R4Z[XXXX]).

The small area currently zoned EP forms part of Nantes Street Woods Urban Natural Area but is not designated as part of the Urban Natural Feature or Natural Heritage System under the City of Ottawa Official Plan. This is further demonstrated in the Environmental Impact Statement and Tree Conservation Report prepared by Muncaster

Environmental Planning Inc. dated April 20, 2020, in support of the Draft Plan of Subdivision application. The report notes that significant natural heritage features on the Phase 6 lands are limited to significant woodlands and potential significant wildlife habitat and that the aim of Regional Group is to retain such lands. A subsequent Tree Conservation Report and Environmental Impact Statement Update Letter was prepared by Muncaster Environmental Planning, dated November 23, 2020, to confirm the findings from the initial report. The retention of the majority woodlands with wildlife habitat deemed significant is located to the east of this subject rezoning and is to be conveyed to the City of Ottawa through the Plan of Subdivision process, as a future woodland park to ensure its long-term protection.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Integrated Transportation
- Sustainable Infrastructure
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0133) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to workload volumes, resourcing issues, the timing of the Draft Plan Approval of associated subdivision as well as the complexity of the issues associated with residents' concerns related to the added density and height.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Site Plan

Document 5 Draft Plan of Subdivision

CONCLUSION

Planning staff support the requested Zoning By-law Amendment as the proposal continues to support the Provincial Policy Statement, the City's Official Plan, the general intent of the Zoning By-law and implements the Site Plan Control proposal. The proposed Zoning By-law amendment represents good planning and site design. Staff recommends that the application be approved.

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.

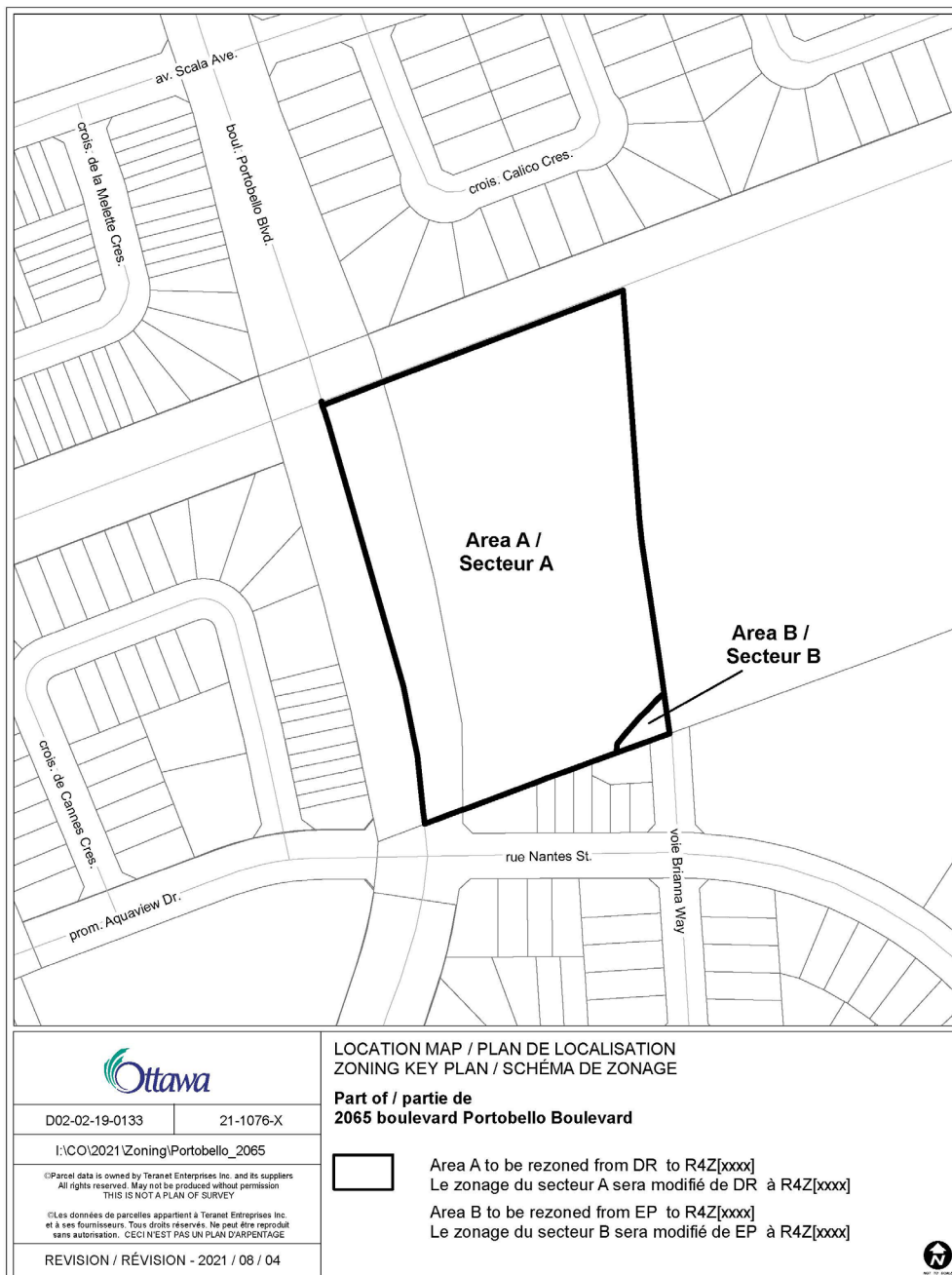
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.

The subject site is part of a larger parcel of land known municipally as 2065 Portobello Boulevard. The area subject to rezoning under this current report is located on the westerly end of 2065 Portobello Road and fronts onto Portobello Boulevard, north of Nantes Street.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for Part of 2065 Portobello Boulevard:

1. Rezone the lands as shown on Document 1.
2. Amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - a) In Column V:
 - i. One (1) parking space required for each dwelling unit; 0.2 parking space required for each dwelling unit for visitors
 - ii. Minimum front yard setback is 3 metres
 - iii. Minimum rear yard setback is 3 metres
 - iv. Minimum interior side yard setback is 3 metres
 - v. Maximum building height is 15 metres

Document 3 – 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. Two public meetings were also held on Zoom, one for the Subdivision and one for the Site Plan Control Application

June 24, 2020 and February 10, 2021 both on Zoom

Public Comments and Responses

Comment:

Didn't want to see access to the Site Plan through the new public road.

Response

The access was changed to be off of Portobello Avenue.

Comment:

Concerned about the traffic generated by the development.

Response:

The traffic report was reviewed and accepted by staff.

Comment:

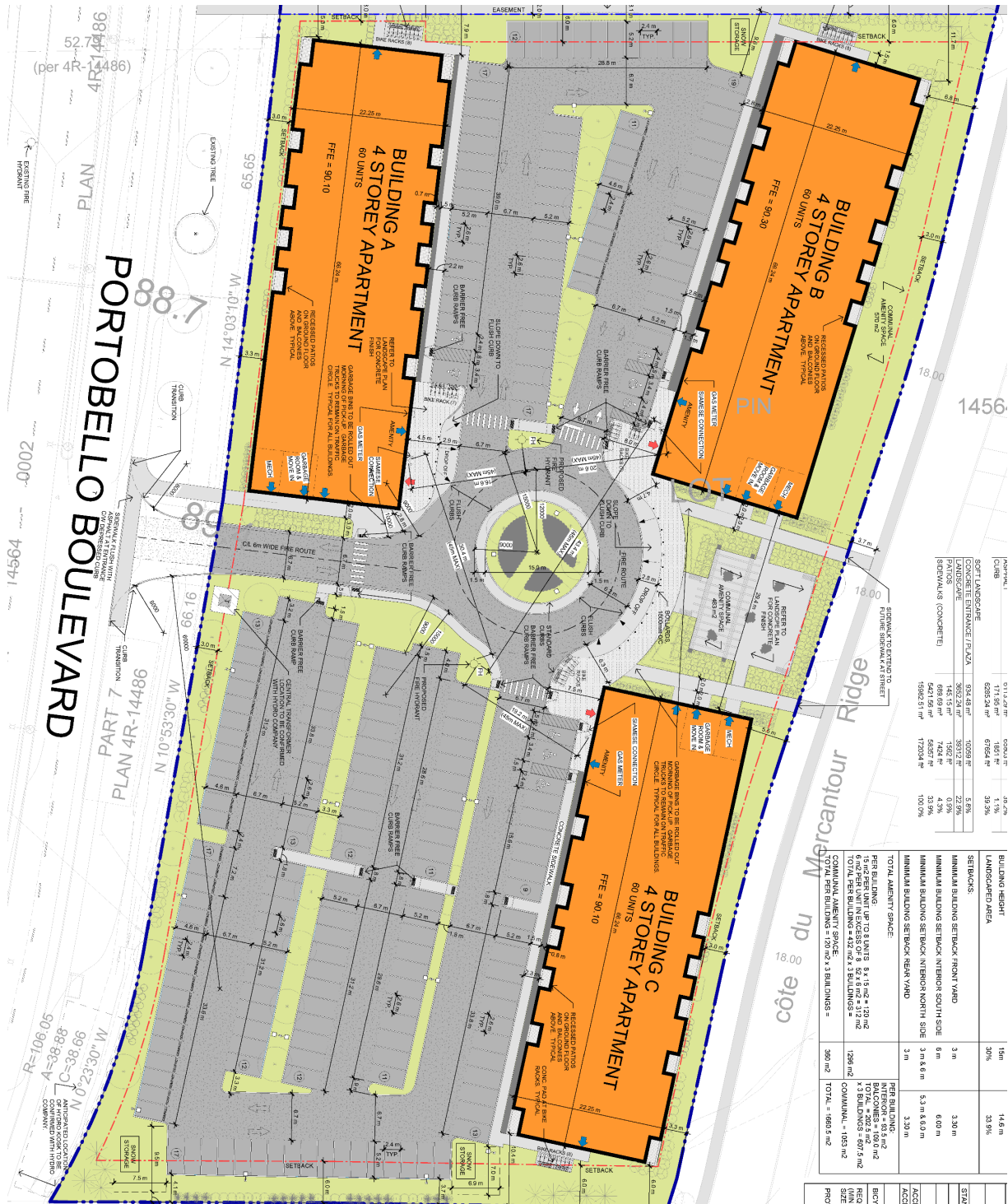
Concerned that four storeys is not consistent with the one and two storey single homes in the area.

Response:

The revised height of four storeys is consistent with the policies of the Official Plan.

Community Organization Comments and Responses: The Greater Avalon Community Association support the revised site plan.

Document 4 – Site Plan



CONCRETE ENTRANCE IN AREA	171.50 m ²	1851 m ²	26.7%
PAVING	141.15 m ²	1522 m ²	6.9%
SEWER/WALLS (CONCRETE)	668.69 m ²	7424 m ²	4.3%
	924.99 m ²	9407 m ²	33.9%
	17524 m ²	17524 m ²	100.0%

LANDSCAPED AREA	15m	14.6m
SETBACKS:	30%	33.9%
MINIMUM BUILDING SETBACK FRONT YARD	3 m	3.30 m
MINIMUM BUILDING SETBACK INTERIOR SOUTH SIDE	3 m	6.00 m
MINIMUM BUILDING SETBACK INTERIOR NORTH SIDE	3 m & 6 m	5.3 m & 6.0 m
MINIMUM BUILDING SETBACK REAR YARD	3 m	3.30 m
TOTAL AMENITY SPACE:		
PER BUILDING - UP TO 4 UNITS = 9.14 m ² - 109.40 m ²		
6.42 PER UNIT IN ACCESS OR 3 = 52.4 m ² = 312 m ²		
TOTAL PER BUILDING = 422 m ² x 3 BUILDINGS =		
COMMUNAL AMENITY SPACE:		
1298 m ² COMMUNAL = 165 m ²		
TOTAL = 1683.5 m ²		

STA	RECV	ACC
B/CV	109.0 m ²	
RECV	607.0 m ²	
ACC	165.0 m ²	
TOTAL	881.0 m ²	

