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### 4. Zoning By-law Amendment – 1368 Labrie Avenue

Modification au Règlement de zonage – 1368, avenue Labrie

### Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 1368 Labrie Avenue to permit a proposed six-storey, 45-unit apartment building, as detailed in Document 2.

### Recommandation du Comité

Que le Conseil approuve la modification du Règlement de zonage (no 2008-250) visant le 1368, avenue Labrie, afin d'y permettre la construction d'un immeuble d'appartements de six étages et de 45 unités, projet présenté dans le document 2.

### Documentation/Documentation

 Report from the Acting Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated October 27, 2021 (ACS2021-PIE-PS-0132)

Rapport de la directrice par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 27 octobre 2021 (ACS2021-PIE-PS-0132)

2. Extract of draft Minutes, Planning Committee, November 25, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 25 novembre 2021

Comité de l'urbanisme Rapport 53 Le 8 décembre 2021

# Report to Rapport au:

Planning Committee Comité de l'urbanisme 25 November 2021 / 25 novembre 2021

and Council et au Conseil 8 December 2021 / 8 décembre 2021

Submitted on 27 October 2021 Soumis le 27 octobre 2021

Submitted by Soumis par: Lily Xu Acting Director / Directrice par intérim Planning Services / Services de la planification, Planning, Infrastructure and Economic Development Department / Direction générale de la planification, de l'infrastructure et du développement économique

Contact Person Personne ressource: Lucy Ramirez, Planner / Urbaniste, Development Review East / Examen des demandes d'aménagement est 613-580-2424, 23808, Lucy.Ramirez@ottawa.ca

Ward: BEACON HILL-CYRVILLE (11) File Number: ACS2021-PIE-PS-0132

SUBJECT: Zoning By-law Amendment – 1368 Labrie Avenue

OBJET: Modification au Règlement de zonage – 1368, avenue Labrie

## **REPORT RECOMMENDATIONS**

1. That Planning Committee recommend Council approve an amendment to

Zoning By-law 2008-250 for 1368 Labrie Avenue to permit a proposed six-storey, 45-unit apartment building, 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 December 8, 2021," subject to submissions received between the publication of this report and the time of Council's decision.

## **RECOMMANDATIONS DU RAPPORT**

- Que le Comité de l'urbanisme recommande au Conseil d'approuver la modification du Règlement de zonage (no 2008-250) visant le 1368, avenue Labrie, afin d'y permettre la construction d'un immeuble d'appartements de six étages et de 45 unités, projet présenté dans 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 8 décembre 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

Planning staff recommend approval of the Zoning By-law amendment for 1368 Labrie Avenue to rezone the site from Light Industrial Zone Subzone 2 (IL2 F (0.7), H (14)) to Transit Oriented Development Zone, Subzone 1 with exceptions and a holding symbol (TD1[XXXX]-h), to permit the development of a six-storey, 45-unit apartment

building. The proposal aligns with the Mixed-Use Centre designation of the Official Plan.

# **Applicable Policy**

The site is designated Mixed Use Centre pursuant to Schedule B of the Official Plan, this designation permits a broad variety of land uses that supports and is supported by walking, cycling and transit use. Official Plan Section 2.2.2 and 3.6.2, the Cyrville Secondary Plan, the Cyrville Transit-Oriented Development (TOD) Plan, and the Transit-Oriented Development Guidelines contain relevant policies when reviewing this application.

The following support this application:

- Section 2.2.2. of the Official Plan explains the City's strategy for managing intensification in the Urban Area. The policies in this section identifies the Cyrville station area as a target area for intensification through redevelopment, development of vacant or underutilized lots, infill development, or conversion of existing buildings to create new residential uses/units.
- Policy 3.6.2.1.A. outlines that there is opportunity to achieve high densities of jobs and housing through intensification and redevelopment of older sites and development of vacant land. The site currently contains a detached dwelling and an accessory building used for storage, the remainder of the lot is used for parking and storage. The proposal is for a street-oriented mid-rise apartment building with underground parking.
- Schedule C of the Tremblay, St. Laurent and Cyrville Secondary Plan designates the site as Area C, which permits a maximum building height of six storeys and requires a minimum density of 150 residential units per net hectare.
- The Land Use Framework of the Cyrville TOD Plan designates the site as Mixed Use, and within the density code TD1. The TD1 density code corresponds to a TD1 zoning.

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# RÉSUMÉ

### **Recommandation du personnel**

Le personnel de l'urbanisme recommande l'approbation de la modification du Règlement de zonage visant le 1368, avenue Labrie, en vue de modifier le zonage de la propriété, de Zone d'industrie légère, sous-zone 2 (IL2 F (0.7), H (14)) à Zone d'aménagement axé sur le transport en commun, sous-zone 1, assortie d'exceptions et d'un symbole d'aménagement différé (TD1[XXXX]-h), en vue de permettre la construction d'un immeuble d'appartements de six étages et de 45 unités. Le projet entre dans la désignation de centre polyvalent du Plan officiel.

### **Politiques applicables**

Le site entre dans la désignation de centre polyvalent selon l'annexe B du Plan officiel. Cette désignation permet un large éventail d'utilisations du sol propices à la marche, au cyclisme et au transport en commun. C'est dans les sections 2.2.2 et 3.6.2 du Plan officiel, le Plan secondaire Cyrville, le Plan d'aménagement axé sur le transport en commun (AATC) Cyrville et les Lignes directrices sur l'utilisation du sol et la conception des aménagements axés sur le transport en commun que l'on trouve les politiques applicables à la demande d'aménagement en question.

Voici les faits en faveur de la demande soumise :

- La section 2.2.2 du Plan officiel décrit la stratégie municipale de gestion de la densification dans le secteur urbain. Les politiques qu'elle renferme désignent le secteur de la station Cyrville comme étant ciblé pour la densification au moyen de projets de réaménagement, d'aménagement de lots vacants ou sous-utilisés, d'aménagement intercalaire ou de conversion d'immeubles existants à des fins résidentielles.
- La politique 3.6.2.1.A fait état de la possibilité de concentrer les utilisations résidentielles et celles liées à l'emploi par la densification et le réaménagement de sites plus âgés et par l'aménagement de terrains vacants. Sur le site concerné se trouvent actuellement une habitation isolée et un bâtiment accessoire utilisé pour l'entreposage, le reste du terrain étant utilisé comme espace de stationnement et d'entreposage. La demande d'aménagement vise la construction d'un immeuble d'appartements de moyenne hauteur orienté vers la rue avec stationnement souterrain.

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- À l'annexe C du Plan secondaire Tremblay, St-Laurent et Cyrville, le site concerné est désigné secteur C, lequel permet un nombre d'étages maximal de six et une densité minimale de 150 unités résidentielles par hectare net.
- Dans le cadre d'utilisation du sol du plan d'AATC Cyrville, le site concerné porte la désignation d'utilisation polyvalente et le code de densité TD1 (qui correspond au zonage TD1).

### BACKGROUND

Learn more visit Development Application process - Zoning Amendment

For all the supporting documents related to this application visit https://devapps.ottawa.ca/en/applications/D02-02-21-0051/details

### Site Location

1368 Labrie Avenue

### Owner

11966685 Canada Inc.

### Applicant

Parsons Inc. C/O Pamela Whyte

### Architect

Sam Morgan

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

The subject site has frontage on Labrie Avenue. Approximately 200 metres north of the property Labrie Avenue intersects with Cyrville Road, an arterial road. Arterial roads are the major roads designated to carry large volumes of traffic over the longest distances. Highway 417 is further north, as shown on Document 1. The subject site is within 600 metres of the Cyrville Rapid Transit Station and within the Cyrville Transit Oriented Development Plan Area. The site is rectangular shaped and is approximately 0.14 hectares (1398 square meters) with 30 metres of frontage on Labrie Avenue, a local road. The subject site is presently occupied by a detached dwelling and an accessory building used for storage, the remainder of the lot is used for parking and storage. The

existing dwelling would be demolished to accommodate the proposal. The property's rear lot line abuts large industrial/warehouse uses. The streetscape along Labrie Avenue is characterized by commercial uses in converted detached dwellings with large garages, some residential uses remain. There are no sidewalks along Labrie Avenue. There is substandard drainage on Labrie Avenue, the street currently does not have defined ditches or a storm water sewer.

There are nearby properties that already have Transit Oriented Development (TD) zoning, such as 1336 Labrie Avenue, which is zoned TD1[1999], and 1380, 1392 Cyrville Road, which is zoned TD3 [1998]. These properties were rezoned in 2012, and represent 'short term' redevelopment opportunities, which had an estimated timing for change within the next 20 years. Short term development areas were easiest to develop and included vacant properties, large parking lots, lower density area and areas identified by affected landowners. Details can be found in <u>Planning Committee Report</u> <u>39A, 14 November 2012, p. 40</u> and Attachment 3 to By-law Number 2012-406.

## Summary of Proposed Development

The proposed mid-rise apartment building is six-storey and will consists of 45 dwelling units with a gross floor area of 3,985 square metres. Amenity space is to be provided at grade, within the building and as part of a rooftop terrace. Vehicle parking - 31 spaces - is provided underground and accessed via a driveway that abuts the southern property line and a ramp that abuts the rear property line. The ground floor includes indoor storage for 31 bicycles. The proposed mid rise apartment would be subject to a future application for site plan control approval. A holding provision is recommended until a Site Plan Control Application is approved and until such time as it is demonstrated that there is availability of and connection to municipal storm water infrastructure.

# Summary of Requested Zoning By-law Amendment Proposal

The subject site is currently zoned Light Industrial Zone, Subzone 2, maximum floor space index of 0.7, maximum building height 14 metres (IL2 F (0.7), H (14)), which permits a wide range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting. The requested Zoning By-law amendment is to rezone the subject site from (IL2 F (0.7), H (14)) to Transit Oriented Development Zone, Subzone 1, Urban Exception XXXX with a holding symbol (TD1[XXXX]-h).

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### DISCUSSION

### **Official Plan Designation**

The City's Official Plan (OP) designates the subject site 'Mixed-Use Centre' on Schedule B. The Mixed-Use Centre designation supports higher densities, and compact and mixed-use development oriented to rapid transit. Section 3.6.2 identifies Mixed-Use Centres as an important component of the City's growth management strategy. The Mixed-Use Centre policies envision this occurring through the intensification and redevelopment of older sites and redevelopment of vacant land. This section recognizes that such areas provide ideal locations for compact mixed-use development that enhances opportunities for walking, cycling and transit.

### **Other Applicable Policies and Guidelines**

## CYRVILLE TRANSIT ORIENTED DEVELOPMENT (TOD) PLAN

On November 14, 2012, City Council approved a <u>TOD Plan</u> for the land surrounding Cyrville Light Rail Transit (LRT) station, which includes the property at 1368 Labrie Avenue. This was done in anticipation of land development pressure in proximity to the LRT stations. Transit-Oriented Development Plans are like Community Design Plans (CDP), the Cyrville TOD Plan is implemented through the Cyrville Secondary Plan. There are currently six TOD Plans and all are included in one document entitled, <u>Transit-Oriented Development (TOD) Plans – Lees, Hurdman, Tremblay, St. Laurent,</u> <u>Cyrville, Blair</u>. The boundaries for the TOD Plans were established based on an approximate 10-minute (800 metre) walking distance from the transit stations. Transit Oriented Development of the public realm, place making, mobility and servicing of a defined TOD area. All TOD Plans are within a Design Priority Area as defined in the Official Plan, so all public and private development projects are subject to enhanced design parameters and requirements.

## SECONDARY PLAN

The property is in the planning area of the <u>Tremblay, St. Laurent and Cyrville Secondary</u> <u>Plan</u>, which provides direction on maximum building heights and minimum densities. Per <u>Schedule C of the Secondary Plan- Cyrville Transit-Oriented Development –</u> <u>Maximum Building Heights</u>, the maximum number of storeys is six, and the minimum density is 150 units per net hectare (residential) and/or 0.5 floor space index

(non-residential). The proposed mid-rise apartment building is six-storeys and has a density of 322 dwelling units/hectare. Proponents are encouraged to provide higher than the minimum densities required in the applicable TD zone to bolster transit supportability.

# GUIDELINES

The <u>Transit-Oriented Development (TOD) Guidelines</u> are applicable to the subject site. City Council approved the TOD Guidelines in 2007 to provide guidance to assess, promote and achieve Transit Oriented Development within Ottawa. Components of development that the guidelines address include: land use, site layout, built form, pedestrian and cycling connectivity, parking, and streetscaping.

# **URBAN DESIGN REVIEW PANEL**

The property is within a Design Priority Area and a formal review by the City's Urban Design Review Panel (UDRP) was required; however, this requirement was waived for the following reasons:

- An Information Pre-consultation with UDRP was held on January 8, 2021 and the proposed design has addressed recommendations of the UDRP with respect to building placement, massing, and height, which are the key aspects of a Zoning By-law amendment.
- The proposed zoning is in conformity with the Secondary Plan and implements the direction of the TOD Plan.
- A Mid-Rise Apartment Dwelling will be subject to a future application for site plan control approval. A formal review by the UDRP will be required at the site plan control approval stage.

## PLANNING RATIONALE

The Zoning By-law amendment is consistent with the policies of the Mixed-Use Centre designation in the Official Plan. Further, the proposed rezoning is consistent with the Cyrville TOD Plan and the associated secondary plan.

A purpose of the TD Zone is to accommodate a wide range of transit-supportive land uses such as residential, office, commercial, retail, arts and culture, entertainment,

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service and institutional uses in a compact pedestrian-oriented built form at medium to high densities.

The proposed urban exception provisions reflect: (1) the setbacks that have been proposed to provide space between the proposed development and current/future neighbouring uses; (2) the need to place a holding provisions on the property until site plan control approval is obtained and the storm water infrastructure to the site is upgraded.

1. Setbacks

If a residential use building does not abut an area that is zoned residential, then the setbacks in the TD1 zone are very permissive. The urban exception reflects the proposed setbacks that:

- a) provide space between the proposed development and the neighbouring uses
- b) creates space for future intensification of adjacent sites over time

The TD1 zone can permit almost full lot coverage development on abutting properties. Without appropriate setbacks future residents' privacy, access to light and fresh air, and other aspects of livability could be compromised. This proposal has aimed to produce a 'future proof' design.

2. Holding Provision

Labrie Avenue currently does not have defined ditches or a storm water sewer. Staff have concerns regarding the lack of storm water infrastructure on Labrie Avenue. Council's ability to enact Zoning By-laws under Section 34 of the *Planning Act* includes the power to prohibit the use of land or the erection of buildings or structures unless municipal services are available (Subsection 34(5)). Because of the lack of storm water infrastructure Staff recommend a holding provision be added to the zoning, per the *Planning Act* (Subsection 36), and the Official Plan.

The City may utilize a holding symbol (h), in conjunction with any use designation in the zoning by-law to specify the use to which lands shall be put to in the future, but which are now considered premature or

inappropriate for immediate development. [Amendment #96, February 22, 2012] (Policy 12 in Section 5.2.1 of the Official Plan)

Key capital projects and major infrastructure upgrades required to support growth, mobility options and access to transit were identified in the TOD Plans and in the accompanying Servicing Overview. The latter analyzed existing infrastructure capacities, estimated the servicing requirements and related costs, and recommended phasing of improvements based on levels of development estimated to occur in short term (approximately 20 years) and long-term development timeframes (Planning Committee Report 39A, 14 November 2012). The Servicing Overview for the Cyrville TOD is in the TOD plan. The Cyrville TOD Plan noted construction of the storm sewer in the Cyrville Industrial would be required prior to development (p. 29). Many infrastructure improvements are contingent on the location, timing and intensity of development in the TOD areas which was unknown when the TOD plan was adopted, and therefore subject to monitoring by the City to determine optimum timing of the necessary upgrades.

# **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 Tierney is aware of the application related to this report.

## LEGAL IMPLICATIONS

In the event the recommendations are adopted and the resulting zoning by-law 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 management implications associated with this report.

### **ASSET MANAGEMENT IMPLICATIONS**

The existing drainage system along Labrie Avenue is in need of improvement. Further development at this time would exacerbate the existing condition. As such, a holding provision is being recommended. Asset Management Branch will initiate the process to review, design and construct stormwater management infrastructure to meet current and future needs. Construction will not occur for several years.

### **FINANCIAL IMPLICATIONS**

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

Accessibility will be reviewed through Site Plan Control and the Building Permit processes. The new development will be required to meet the accessibility criteria contained within the Ontario Building Code.

### **ENVIRONMENTAL IMPLICATIONS**

The subject site is presently occupied by a detached dwelling and an accessory building used for storage, the remainder of the lot is used for parking and storage. The proposed development includes soft landscape features in the front and rear yards. Trees and shrubs are proposed in the front yard, and perennials and shrubs in the rear yard.

Both a Phase 1 Environmental Site Assessment (ESA) and a Phase 2 ESA have been completed for the subject property. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site. The Phase 1 ESA also determines the need for a Phase 2 ESA. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site. According to the Phase 2 ESA, dated March 24, 2021, the site currently meets the Ontario Ministry of Environment, Conservation and Parks (MECP) Table 3 site condition standards in a non-potable groundwater condition for residential land use.

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## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priority:

• Thriving Communities

# **APPLICATION PROCESS TIMELINE STATUS**

Due to workload volume and the complexity, the application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

# CONCLUSION

Planning staff support the requested Zoning By-law amendment as the proposal supports the Official Plan policies for Mixed-Use Centres and the Cyrville Transit Oriented Development (TOD) Plan and the associated secondary plan. The proposed Zoning By-law Amendment represents good planning; therefore, the Zoning By-law amendment is recommended for approval.

## SUPPORTING DOCUMENTATION

- Document 1 Location Map and Zoning Key Plan
- Document 2 Details of Recommended Zoning
- Document 3 Proposed Site Plan
- Document 4 Proposed Development Images
- Document 5 Consultation Details

## CONSULTATION

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

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

## DISPOSITION

Council and Committee Services, Office of the City Clerk, to notify the (1) Owner; (2) Applicant; (3) Ottawa Scene Signs, (4) Krista O'Brien, Program Manager, Property

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Assessment and PILTs, Finance Services Department (Mail Code: 26-76) of City Council's decision.

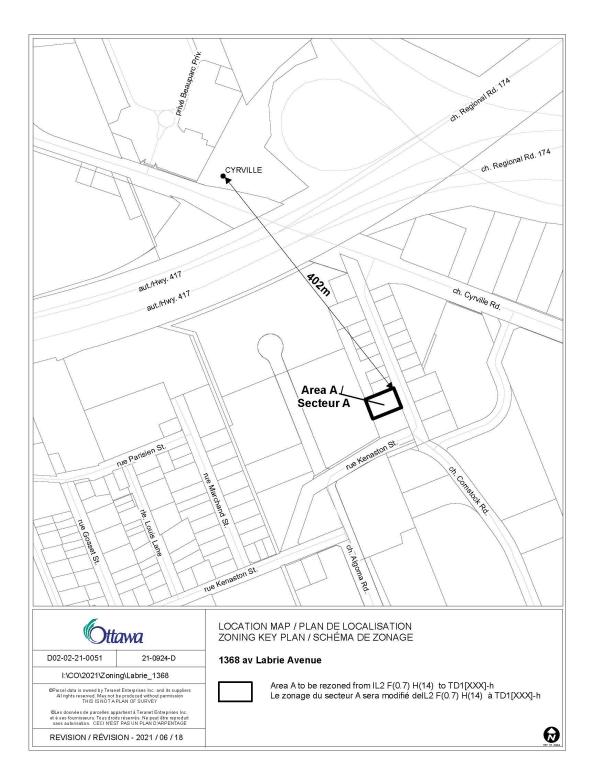
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long-Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

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# Document 1 – Location Map and Zoning Key Plan

For an interactive Zoning map of Ottawa visit geoOttawa.



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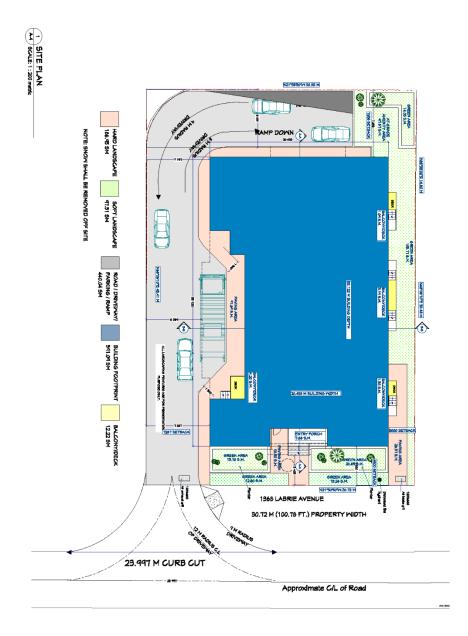
### Document 2 – Details of Recommended Zoning

The proposed changes to the City of Ottawa Zoning By-law No. 2008-250 for 1368 Labrie Avenue:

- 1. Rezone the lands shown in Document 1 from IL2 F (0.7), H (14) to TD1[XXXX]-h
- 2. Add Exception XXXX in Section 239, Urban Exceptions, with provisions similar in effect to the following.
  - a. In Column II, add the following text
    - i. TD1[XXXX]-h
  - b. that the text, "all uses until such time that the holding symbol is removed" be added to Colum IV
  - c. In Column V, include provisions similar in effect to the following:
    - i. Minimum interior side yard setback of 3 metres on one side and 6 metres on the other.
    - ii. Minimum rear yard setback 6.5 metres
    - iii. The holding symbol on the property that may not be lifted until:
      - A Site Plan Application is approved, including the registration of an agreement pursuant to Section 41 of the *Planning Act* to the satisfaction of the General Manager, Planning, Infrastructure and Economic development; and
      - 2. Such time as it is demonstrated to the satisfaction of Planning Infrastructure and Economic Development that there is availability of and connection to municipal storm water infrastructure.

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# Document 3 – Proposed Site Plan



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# **Document 4 – Proposed Development Images**



### **Document 5 – Consultation Details**

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. No public meetings were held in the community, as it was deemed not necessary given the low number of public comments received.

Two public submissions were received requesting to be notified of any future public meetings and Council's decision regarding the proposed Zoning By-law amendment. One submission provided comments concerning the proposed development.

ff Response
ff Response The Cyrville Transit Oriented Development (TOD) plan proposes sidewalks on both sides of Labrie Avenue and cycling facilities. It is not anticipated that these improvements will occur in the short term, they are longer term projects. The Cyrville TOD plan shows an existing MUP at the rear of the property. The MUP does not extend behind the subject property, it ends approximately 80 metres north of the subject property. Instead, there is a private property drive-aisle that connects Kenaston
Street to the MUP. If the property at 1165 Kenaston Street was to redevelop, then that would be the City's opportunity to request a block for a MUP. Further details will be defined through
tc

Public Comments and Responses