

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
May 23, 2017 / 23 mai 2017**

**and Council / et au Conseil
June 14, 2017 / 14 juin 2017**

**Submitted on May 4, 2017
Soumis le 4 mai 2017**

**Submitted by
Soumis par:**

Lee Ann Snedden,

Acting Director / Directrice par intérim,

Planning Services / Service de la planification

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

Contact Person / Personne ressource:

**Andrew McCreight, Planner II / Urbaniste II, Development Review Urban / Examen
des demandes d'aménagement urbains**

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Ward: KITCHISSIPPI (15)

File Number: ACS2017-PIE-PS-0075

SUBJECT: Zoning By-law Amendment – 190 Richmond Road

OBJET: Modification au Règlement de zonage –190, rue Richmond

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve:**
 - a. an amendment to Zoning By-law 2008-250 for 190 Richmond Road to permit a six-storey apartment building, and an area dedicated for parkland, as detailed in Document 2; and**
 - b. that the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed.**

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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of 14 June 2017 subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver :
 - a. Une modification au Règlement de zonage 2008-250 visant le 190, chemin Richmond, afin de permettre la construction d'un immeuble d'appartements de six étages et l'aménagement d'un parc, comme l'expose en détail le document 2 ;
 - b. Que 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*.
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 de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 14 juin 2017, à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Assumption and Analysis

The Zoning By-law amendment application permits the development of a six-storey apartment building, and rezones the southwest corner of the site to Open Space for a new park. The development is oriented towards the corner of Kirkwood Avenue and the Byron Linear Park. The applicant has appropriately stepped back the upper two storeys providing transition in the built form to the surrounding low-rise residential

neighbourhoods. The design also provides quality design with ground-level animation and a strong urban edge.

Public Consultation/Input

Prior to deeming the application complete, the applicant held a meeting with the public on May 4, 2016. Staff did not attend.

During the application review process, Councillor Leiper and the applicant organized a public open house following the initial comment period. The meeting was held on September 13, 2016 and approximately 40 individuals attended. The applicant presented an overview of the proposal and revisions in response to the initial comments. The majority of the time was used to discuss questions from members of the public. Staff attended the meeting to field questions on process and next steps.

RÉSUMÉ

Hypothèse et analyse

La demande de modification au Règlement de zonage vise à permettre la construction d'un immeuble d'appartements de six étages et à désigner Zone d'espace vert l'angle sud-ouest de l'emplacement, en vue d'y aménager un nouveau parc. Cet aménagement est prévu à l'angle de l'avenue Kirkwood et du parc linéaire Byron. Le requérant a conçu les deux étages supérieurs en retrait, comme il se doit, offrant ainsi une transition entre la forme bâtie et les quartiers résidentiels de faible hauteur qui l'entourent. La conception, de grande qualité, offre par ailleurs une certaine animation au niveau du sol et définit clairement la limite urbaine.

Consultation publique et commentaires

Avant que la demande ne soit considérée complète, le requérant a organisé une réunion publique le 4 mai 2016, événement auquel le personnel n'a pas assisté.

Dans le cadre du processus d'examen de la demande, le conseiller Leiper et le requérant ont organisé une réunion portes ouvertes à la suite de la période initiale de commentaires. Cette réunion a eu lieu le 13 septembre 2016 et a attiré environ 40 personnes. Le requérant y a présenté un aperçu de son projet ainsi que les révisions faites en réponse aux premiers commentaires fournis. La plus grande partie de la réunion a servi à discuter des questions posées par les membres du public. Des employés ont participé à l'événement pour répondre aux questions entourant le processus suivi et les prochaines étapes du projet.

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

190 Richmond Road

Owner

Choice Properties REIT

Applicant

Jeff Nadeau, FoTenn Consultants Inc.

Architect

Brad Chase, IBI Group Architects

Description of site and surroundings

The site is located within the block bound by Richmond Road, Kirkwood Avenue, Byron Avenue and Tweedsmuir Avenue. With the exception of a hydro corridor that runs through the middle of the site (north-south), the property is approximately 39,500 square metres in size. Currently, the site consists of a large grocery store, a retail store, and two surface parking lots associated with these uses.

Richmond Road is a Traditional Mainstreet with a wide-variety of uses along the corridor, including commercial, mixed-use and institutional uses. Surrounding the site to the east, south and west are low-rise residential neighbourhoods predominantly consisting of single and semi-detached dwellings. Immediately abutting the site to the south is the Byron Linear Park.

Summary of requested Zoning By-law amendment proposal

The applicant is proposing to develop a six-storey apartment containing 187 dwelling units. An underground parking garage accessed from Kirkwood Avenue provides 143 parking spaces, 54 bicycle stalls, lockers, and waste and refuse collection area. An additional 40 bicycle stalls are provided at grade.

The site is currently split zoned. The majority of the site is zoned TM [123] H(15), with the rear portion of the property along the Byron Linear Park zoned R2R [554] S208. The

TM zone permits a broad range of commercial and residential uses. The “R2” zoned portions of the property permit single detached and semi-detached dwellings in a Planned Unit Development with specific setbacks and building locations.

The applicant is requesting an amendment to the Zoning By-law to bring the development site in its entirety into a TM zone, as well as rezone portions of the property, including the area dedicated for parkland near the southwest corner of the site, to O1 (Open Space, Subzone 1). The requested amendment generally includes the following;

- Rezone the portion of the site proposed for the six-storey apartment building with TM zoning.
- For the proposed apartment building, permit a maximum building height of 21.5 metres, with the fifth and sixth storey requiring a minimum stepback of 1.5 metres from the lower storeys fronting Kirkwood Avenue and the Byron Linear Park. The balance of the development site, except the Open Space areas, remain in a TM zone with a height limit of 15 metres.
- Minimum rear yard setback (abutting Byron Linear Park) is 6.5 metres.
- Prohibit non-residential uses within the area subject to the proposed apartment building.
- Rezone the southwest corner of the site as Open Space. The hydro corridor travelling north/south across the property will continue to be zoned Open Space.
- Exception 123 will be modified to recognize Richmond Road as the front lot line, carrying forward some of the existing provisions, and re-establish appropriate setbacks for the site.

Brief history of proposal

In March, 2000, the Former City of Ottawa approved a Zoning By-law amendment to permit the development of the existing Loblaws Grocery Store, and it was subsequently approved by the Ontario Municipal Board (OMB). It is important to note that at the time of the rezoning, Kirkwood Avenue was recognized as the front lot line. The setbacks and yards as defined in Urban Exception 123 are based on this intent. However, as a result of Zoning By-law 2008-250, Richmond Road is now deemed to be the front lot line. This has resulted in the current zoning on the subject property being inconsistent with the previous Council and OMB decisions, as it relates to setbacks and yard requirements defined in Urban Exception 123.

The above anomaly is important especially in reference to Section 37, such that if the Zoning as currently written in the By-law were applied to the development, Section 37 would not be triggered. However, if the intended zoning were applied using Kirkwood Avenue as the front lot line, then Section 37 would be applicable.

These details were discussed with Councillor Leiper and the applicant. All parties agreed that in-lieu of correcting this through an anomaly report, staff would make the necessary zoning corrections through this application and report recommendations. Furthermore, the applicant has agreed in writing that Section 37 shall apply in accordance with the zoning originally approved by Council and the OMB.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Prior to deeming the application complete, the applicant held a public meeting on May 4, 2016. Staff did not attend.

During the applicant review process, Councillor Leiper and the applicant organized a public open house following the initial comment period. The meeting was held on September 13, 2016 and approximately 40 individuals attended. The applicant presented an overview of the proposal and revisions in response to the initial comments. The majority of the time was used to discuss questions from members of the public. Staff attended the meeting to field questions on process and next steps.

Approximately 40 respondents commented on the proposal, with majority expressing concerns or opposition. Few comments submitted were supportive.

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

Official Plan designation

The site is located within the Traditional Mainstreet designation as shown on Schedule B of the City's Official Plan. Schedule C shows Richmond Road as a primary on-street cycling route. Schedule E, Urban Road Network, shows Richmond Road as an arterial road.

The Richmond Road/Westboro Secondary Plan in Volume 2 of the Official Plan applies. Within this plan, the site is located within Sector 6 – East Village. The vision for this sector is to encourage the evolution to more traditional mainstreet character, and allow building heights up to six-storeys for lots deeper than 45 metres.

The Secondary Plan represents an implementation of the Richmond Road/Westboro Community Design Plan (CDP). In the CDP, the East Village sector is described as an area that does not have the well-defined Traditional Mainstreet character of Westboro Village, but the plan encourages the evolution to a more traditional built form.

Other applicable policies and guidelines

Also applicable to the proposed development are the Urban Design Guidelines for Development along Traditional Mainstreets. Mainstreets offer some of the most significant opportunities for intensification, and the guidelines envision a lively mix of uses and a pedestrian-friendly environment. Development that is compatible, compliments its surroundings, achieves a high-quality built form, and fosters compact pedestrian-oriented design is promoted.

Urban Design Review Panel

Located within a Design Priority Area, the proposed development was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP for formal review on March 2, 2017.

The panel recommendations from formal review are as follows:

General Comments

- The Panel is pleased with the evolution of the design and feels that the proposal is quite successful. This is a difficult site and will set a good precedent for the intensification of retail plazas.

Building Design

- The Panel generally supports the scale and massing of the proposal.
- To mitigate the long façade of the building along Byron Avenue and break up the volume, the Panel recommends:
 - Enhancing the central indentation similar to the Kirkwood frontage. Redesigning the two middle units on the fifth and sixth storeys (the 80 square metre units) so that they can be recessed further would help to achieve this.
 - Breaking up the volume into three distinct parts by recessing the black framing elements behind the primary façade.
 - Extending the corner indentations up into the roof to shorten the cornice line.

- The Panel supports the ground-related units; however, care should be taken to ensure that that they are properly screened to maintain privacy.
- The palette of materials and colours has been selected very well and are supported by the Panel. The metallic treatment resembling wood on the soffits is a nice addition.
- Consider relocating the mechanical penthouse to above the elevator shaft. This would help reduce its visibility from the street level.

Site Plan

- The drop-off and the interior court have greatly improved since the last presentation and are supported by the UDRP.
- The pathway that runs north-south on the west side of the building should be shifted towards the west, as it appears to be in too close proximity to bedroom windows.
- Rather than using hatch marks on asphalt for the crossing on the new north-south pedestrian path, consider using a different paving material to strengthen the connection.
- The proponent is encouraged to study means of screening or covering the underground garage ramp to improve views down towards it from the units above. A trellis or a greenroof may be viable options.

Landscaping

- The Panel recommends continuing to explore opportunities to bring additional greening to the parking lot. The north-south pathways could be lined with landscaping or the occasional parking space could be replaced with landscaping.
- Consider eliminating the line of parking spaces adjacent to the linear park on the south of the site and expanding the greenspace.
- Study the lighting plan carefully from a CPTED (Crime Prevention Through Environment Design) and AODA (Accessibility for Ontarians with Disabilities Act) perspective. It should contribute to establishing a safe and comfortable environment at all hours and during all seasons.
- It will be important to plant good-sized trees in the interior courtyard space.

The department notes that the recommended Zoning By-law amendment accommodates the positive design features supported by UDRP, and that all comments will be reviewed further and addressed appropriately through Site Plan Control.

Planning Rationale

Planning Act and Provincial Policy Statement

Section 2 of the *Planning Act* outlines those land use matters that are of Provincial interest, to which all City planning decisions shall have regard. The Provincial interests that apply to this site include the orderly development of safe and healthy communities, the appropriate location of growth and development, the promotion of development that is designed to be sustainable to support public transit and to be oriented to pedestrians, and the promotion of a built form that is well-designed and encourages a sense of place, and provides for public spaces.

In addition, the *Planning Act* requires that all city planning decisions be consistent with the Provincial Policy Statement (PPS), 2014; a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS, 2014 by promoting efficient development and intensification with a built form that supports a healthy, active community in proximity to community services and amenities.

Official Plan Policies

This application has been reviewed under the consolidated Official Plan (2003) with regard for the Council approved amendments contained within Official Plan Amendment 150 (OPA 150). Amendments introduced by OPA 150 generally do not impact the proposed Zoning By-law amendments, except that the Traditional Mainstreet designated applies to properties fronting the mainstreet up to a depth of 200 metres. The Official Plan, at present does not have a depth restriction relating to the traditional mainstreet designation.

The site is designated as Traditional Mainstreet (Section 3.6.3), a target area for intensification, and a designation which envisions some of the most significant development opportunities. Compact built forms emphasizing street level animation and pedestrian-friendly environments play a key role. A broad range of uses are typically permitted including retail and service commercial uses, offices, residential and institutional. Redevelopment and intensification is encouraged to optimize the use of land in a building format that defines the street edge and provides direct pedestrian access to the sidewalk. Building heights up to six-storeys are supported on Traditional

Mainstreets, and in some cases additional height may be permitted, unless otherwise stated in a Secondary Plan.

Furthermore, on lots where development has the potential to develop both adjacent to the street and to the rear of the property, the Mainstreet designation will apply to the entire lot and development situated on the rear portions will not be considered to be non-conforming by virtue of not being located adjacent to the street. The rear of the site is located approximately 520 metres in walking distance from the Westboro transit station, which further supports the appropriateness for intensification and a six-storey built form.

Section 2.5.1 and 4.11 of the Official Plan provides policy direction for urban design and compatibility. Document 3 provides supporting images to highlight some of the positive urban design and compatibility features described below.

Section 2.5.1 is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, considerations on the adaptability of space in a building, and sustainability. The proposed development defines quality public and private spaces that are accessible and easy to move through. The dedicated parkland area near the southwest corner of the site aligns with Byron Linear Park, and the final design will be coordinated to ensure excellent pedestrian/cyclist connectivity with both Byron Linear Park and the new realigned north-south pathway. The built form respects the surrounding character by stepping back the upper two storeys and by providing generous setbacks with enhanced landscaping and connectivity through the site.

Section 4.11 can be applied to individual properties and provides directions on impacts between new and existing development. The proposed apartment building internalizes the loading bay and servicing areas including vehicular drop-off, and the ramp to the underground garage. The development complies with the Zoning By-law requirements for parking rates, and is also well positioned to utilize active modes of transportation with the Westboro Transition Station and designated cycling routes in close/immediate proximity. Entrances and ground-oriented units animate Kirkwood Avenue, including ample landscaping and terraces facing the street. Other key design and compatibility items such as noise, amenity area and traffic will be addressed through Site Plan Control. It should be noted that the transportation review to date agrees with the proposed site access, and anticipated volumes can be accommodated within the existing street network. The proposed Zoning By-law amendments do not preclude the ability for urban design and compatibility improvements, as noted in the UDRP recommendations.

As per the Richmond Road / Westboro Secondary Plan, 190 Richmond Road is located in Sector 6 – East Village. This section envisions the evolution of Richmond Road into a more traditional mainstreet character and allows six-storey heights on lots deeper than 45 metres. The subject lot is approximately 170 metres in depth. The plan also contains policy direction on intensification that includes preserving and enhancing the human scale, providing appropriate setbacks and building height transition, and promoting transit usage. The proposed development provides a well designed building with the upper two storeys set back, and generous setbacks are provided in relation to Kirkwood Avenue and Byron Linear Park to further provide built form transition from the surrounding low-rise neighbourhood.

Staff are satisfied that the requested Zoning By-law amendment for the proposed six-storey apartment and open space area, are consistent with the current Official Plan policies and OPA 150. The six-storey built form, setbacks, landscaping, and upper storey stepbacks are compatible with the surrounding neighbourhood character. The characteristics, along with the building materials and architectural features together all offer an appropriate transition from a low-rise to mid-rise built form. Ground-oriented units along Kirkwood Avenue contribute to the street level animation and pedestrian activity while providing a strong urban edge. Multiple pedestrian and cyclist connections are provided through the site for public permeability, and the development is well supported by active modes of transportation with Richmond Road, Kirkwood Avenue and Byron Linear Park being dedicated cycle routes, and the Westboro Transit Station in close proximity, for example. Overall, the proposal represents an appropriate development on an underutilized lot, with intensification and a built form that is consistent with the Official Plan.

Section 37 Agreement

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

The proposed zoning permits a six-storey building where the current zoning is split on the property and permits heights of two and four storeys respectively. However, as explained in the background section of this report, the originally approved zoning on site required significant setbacks and yards in certain locations. Based on this intent, the proposed Gross Floor Area is over 7,000 square metres and represents an increase

that is more than 25 per cent. As such, the owner is required to provide a Section 37 contribution. Planning Staff are of the opinion the proposed development represents good planning.

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

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$450,000. This contribution will provide the following:

- \$400,000 for development of the City Park on the land acquired on site through parkland dedication. Should any remaining funds be available upon completion of the said park, contributions will be allotted to the Ward 15 Cash-in-Lieu of Parkland account for improvements in the area.
- \$50,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.

The details of the Section 37 contributions are also contained within the Zoning By-law (see Document 2). These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed, 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.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Leiper provided the following comment:

“The proposal for 190 Richmond Road has been subjected to significant consultation since first proposed, and I’ve been pleased to bring some new tools to the discussion. Through that consultation, I am comfortable that the development is at an appropriate

scale and will contribute some positive features such as more rental housing in the neighbourhood – much-needed – as well as a new park.

The Community Design Plan and Secondary Plan anticipate development at this scale. While I'm cognizant that any new development in Westboro – and particularly at this controversial site – will have detractors, I believe the fundamental principles for development in our ward should be followed: we should plan for growth, and then stick to those plans.

I am pleased that two key changes were made in the course of consultation. First, the building is further set back than from where first proposed, and there is a significant step-back after the fourth floor. Both changes have been made to accomplish my and resident's key consideration that the building's significant massing not have an unacceptable impact on Byron Linear Park.

I have spent several hours speaking with cycling and walking passers-by at a "pop-up" pathside consultation, and am comfortable that a mainstream of people with whom we've consulted are generally not in opposition.

I would draw colleagues' attention to the appendix (document 6) to my comments, a report I commissioned from Milieu Technologies to help me understand sentiment about this development. I invite colleagues to peruse it. It was extremely helpful to me in understanding ward sentiment toward this proposal, and to help me assess the proposals pros and cons.

The report raises one problematic consideration. When first proposed, and in the first rounds of consultation, residents had been told that this development would be geared towards seniors, which helped increase receptivity to it. After most of the consultation was done, the developer switched course, proposing that these would be rentals for a general population. While my office subsequently alerted residents to the proposed change in use, and relatively minimal feedback was returned for us, I consider that while legal, this should not be the norm in these discussions. When developers are ready to present a proposal to the community, it is reasonable to expect that they will present the planned use in a transparent fashion.

With that said I do thank staff in my office, the City and at Choice for the efforts put into several consultation rounds. Some work remains, such as a parks planning process to determine how the s.37 funds for the new City park will be allocated, as well as finalizing a workable plan for the path used by many to cut through the site from north to south."

LEGAL IMPLICATIONS

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

In the event that the application is refused, reasons must be provided. Should a refusal be appealed to the Ontario Municipal Board then, depending on the reasons for the refusal, it will be necessary to retain an outside planner and possibly an outside transportation planner.

RISK MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$450,000. This contribution will provide the following benefits. The associated conditions are detailed in Document 2.

- \$400,000 for development of the City Park on the land acquired on site through parkland dedication. Should any remaining funds be available upon completion of the said park, contributions will be allotted to the Ward 15 Cash-in-Lieu of Parkland account for improvements in the area.
- \$50,000 in a Ward 15 specific fund for affordable housing.

In the event that the application is refused and appealed to the board, external resources will be required to defend Council's position. In which case, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the *Ontario Building Code*. The *Accessibility for Ontarians with Disabilities Act* requirements for site design will also apply, and will be reviewed through the Site Plan Control application.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

EP2 – Support Growth of local economy.

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

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

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Site/Landscape Plan and Renderings

Document 4 Consultation Details

Document 5 Overview Data Sheet

Document 6 Milieu Report (Appendix 1 to Councillor Leiper's comments)

CONCLUSION

The department support the application and proposed Zoning By-law amendment. The proposed development provides intensification on an underutilized property with a building that helps evolve this traditional mainstreet. The high-quality design, generous setbacks, landscaping and connectivity improvements, parkland area, and animation along the site perimeter all contribute to the compatibility of the development.

Additionally, the development is located within close proximity of the Westboro Transit Station and other community amenities. The amendments represent good planning, and the application sets a strong example of how to appropriately develop a mixed-use site.

DISPOSITION

Office of the City Clerk and Solicitor, Legislative Services, to notify the owner, applicant, Krista O'Brien, Program Manager, Assessment, Financial Services Branch (Mail Code: 26-76) of City Council's decision.

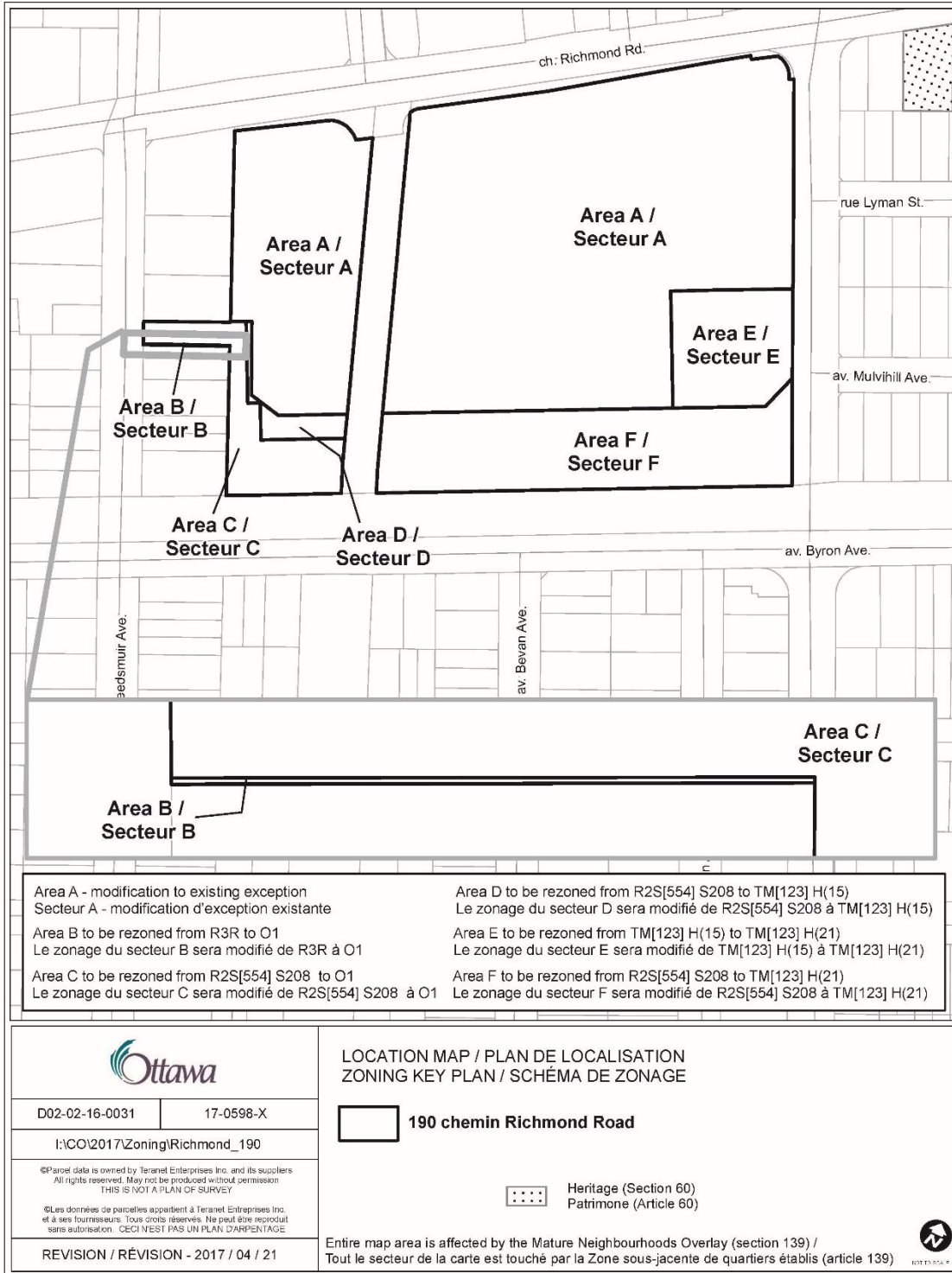
Zoning and Interpretations Unit, Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 190 Richmond Road is as follows:

1. Rezone the lands as described in Document 1.
2. Amend Section 239, Urban Exception 123, with provisions similar in effect as follows:
 - a. In Column V, delete the following provisions;
 - i. Minimum yard setbacks:
 - Front: 7.5 m
 - Corner: 1.7 m
 - Interior side yard abutting a residential zone: 70 m for the first 160 m from front lot line and 60 m for remainder of property
 - ii. Restaurant uses may only be located within 180 m of Kirkwood Avenue.
 - b. In Column V, add the following provisions:
 - i. In the area zoned TM [123] H(21.5) the following applies:
 - the minimum corner side yard setback is 2.5 m.
 - the fifth and sixth storey must be setback a minimum of 1.5 m further from the corner and rear lot lines than the storeys below.
 - Non-residential uses are prohibited.
 - ii. Table 197(c) does not apply.
 - iii. Table 197(g)(ii)(2) does not apply.
 - iv. Minimum rear yard setback is 6.5 m.
 - v. The following provisions dealing with Section 37 authorization apply:
 - Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19

hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in b. below of this by-law.

- Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
 - 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.
- c. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 190 Richmond Road and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*.

190 Richmond Road

- a) The City shall require that the owner of the lands at 190 Richmond Road 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 with the total value of the benefits to be secured being \$450,000 to the City. The specific benefits to be secured and provided are:
- i. The owner shall provide a payment of \$400,000 to the City for the development of a new City park on the portion of the subject land generally in the area rezoned to Open Space (O1).
 - ii. Any leftover monies remaining after the development of the said park will be reallocated to the Ward 15 Cash-in-Lieu of Parkland account.

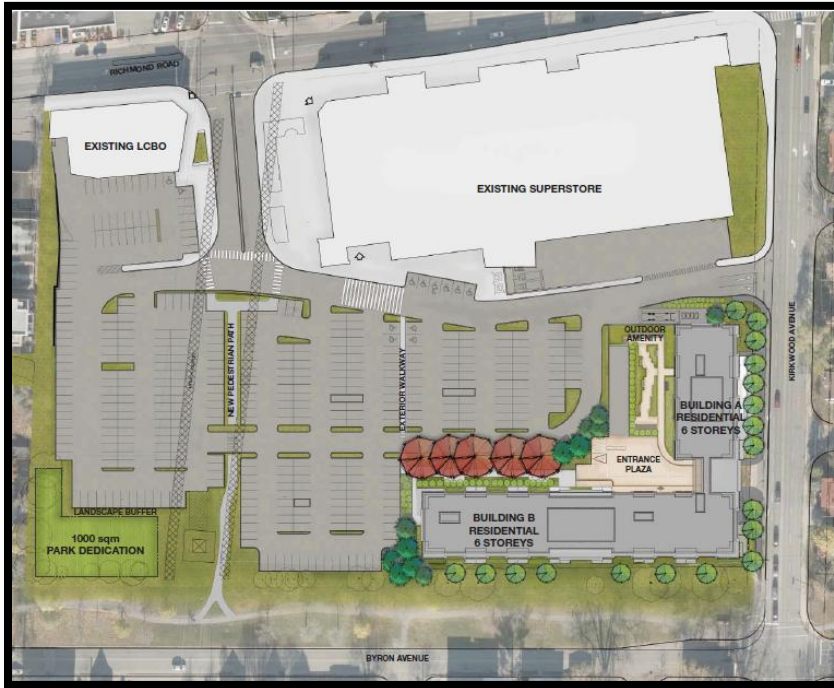
- iii. The owner shall provide a payment of \$50,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.

- 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 – Site/Landscape Concept and Renderings

Site/Landscape Concept



Building Design



Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendment.

Two public meetings were also held in the community.

The applicant held a meeting on May 4, 2016 during the same week as the applications (Zoning and Site Plan) were submitted to the City. Staff did not attend.

During the applicant review process Councillor Leiper and the applicant organized a public open house following the initial comment period. The meeting was held on September 13, 2016 and approximately 40 individuals attended. The applicant presented an overview of the proposal and revisions in response to the initial comments. The majority of the time was used to discuss questions from members of the public. Staff attended the meeting to field questions on process and next steps.

Approximately 40 respondents commented on the proposal, with majority expressing concerns or opposition. Few comments submitted were supportive.

Additionally, the department provided an update on April 11, 2017 via email, and uploaded revised plans and studies to ottawa.ca/devapps to inform members of the public of revisions to the proposal and highlight the proposal details.

The following summarizes, in no particular order, a list of comment topics/items raised by various members of the public in response to the proposed development:

Height and Density

- Six-storeys is too tall. The built form should be two-three storeys, and if six is necessary, setbacks should be provided.
- The footprint and density is too large.
- Six-storeys and 21 metres height seem excessive. Perhaps four-storeys would fit better.
- Six-storeys along the park is inappropriate, and will set a dangerous precedent. Bryon Avenue is not the Mainstreet and should not be rezoned as such.

- Six-storey's is the maximum that should be permitted, but the top two storeys to be recessed to avoid a canyon effect, especially facing Kirkwood.
- The proposed building is seven storeys. If the builder chooses to locate a penthouse and mechanical rooms on the top floor, please make this part of the true number of storeys being processed.
- The proposed building drastically alters the character of the neighbourhood, will congest roads, and will increase density in an area for low density.
- The fifth and sixth storeys should be set back to lessen the impact of a six-storey building facing Byron Avenue.

Response:

Staff support for the proposed height, density and compatibility as explained in the report. Appropriate setbacks are provided in relation to Kirkwood Avenue and Byron Linear Park, and the fifth and sixth storeys stepback by 1.5 metres. As per the comments from UDRP, further refinements to break up the mass and treatment of the mechanical penthouses can be explored through the Site Plan application. It should be noted the mechanical penthouse is recognized in the Zoning By-law as a permitted projection above the height limit and does not result in a seventh storey.

Traffic and Parking

- Loss of Superstore parking would be an issue. Highly used lot, and any loss would result in spillover onto side streets.
- If not enough parking is provided there will be spillover into surrounding community streets.
- Retirement home and redevelopment on that portion of the site is welcomed, however, concerned about traffic implications affecting local streets.
- Traffic concerns in general, and don't want to see any entering or exiting on to Byron.
- The covered vehicle entrance creates poor visibility for traffic and pedestrian conflicts, and it is too close to the intersection. Northbound cars turning into the property would block traffic coming through the Byron / Kirkwood intersection, and southbound cars leaving the property have to juggle the steady stream of 'zippy' traffic exiting the Superstore and the traffic merging across from Mulvihill. Traffic calming measures were installed on Kirkwood over the past 15 years to reduce the number of collisions at that intersection,

with good success. Permitting this site plan would compromise that progress on safety.

- Access to the new development should be via existing vehicular access points of Loblaws site.
- Richmond and Kirkwood are very busy and unsafe. Adding traffic will make it worse.
- A retirement home must have adequate on-site parking for residents, visitors and staff.
- At the open house (meeting prior to application) we were told that traffic was not an issue. How has this been decided already?
- Where will visitors park and how many spaces are provided for the retirement home?
- Is the Superstore and associated parking impacted?
- Traffic congestion on Richmond, Kirkwood and Bryon. The city needs to make large infrastructure investments into roads to support this development, but residents like myself do not want Byron to turn into a multi lane highway.
- I do not believe a traffic study can be done by theory. Has anyone actually seen the real traffic? Has anyone commented on the speeding vehicles that fly down Bryon late at night sounding like a jet? Traffic studies are more than just theory. Has anyone seen that from Kirkwood to Churchill, Byron can sometimes be one long line of cars? Usually in the afternoons and on weekend. Some days, it is very difficult to walk across Byron on the corner to get to the path due to the lineup of traffic.
- There should be no vehicle access to the development site through Byron Linear Park, nor from Tweedsmuir Avenue.
- Superstore will lose some parking spaces due to the apartment complex. Additional parking should not be made at the cost of already minimal green space on the property. I understood that Superstore will build underground parking for the apartment building—some of that parking should be used for customers at Superstore itself.

Response:

The existing parking lot serving the commercial uses on site provides approximately 380 spaces. The proposed site plan revision reconfigures the parking lot and results in approximately 400 spaces. Vehicular access to the proposed apartment is via Kirkwood Avenue and Transportation staff are satisfied with this location. The only access through Byron Linear Park will be the approved pathways for pedestrian and cyclist usage. Vehicle access through Bryon Linear Park will not be permitted. The proposed development provides sufficient parking (tenant and visitor) in accordance with the Zoning by-law. The submitted transportation study was revised to reflect the change of use from a retirement home (original proposal) to an apartment building. Staff are satisfied with the report's findings for the purpose of rezoning, but will continue to review in detail and make any necessary revisions through the application for Site Plan Control.

Greenery and Pathways

- Concerned about pedestrian and cyclist access through the site to the grocery store and through access to McRae and Westboro station. Any site alterations should not negatively impact this important community connection. Any new layout needs to fully connect to Byron Linear pathway.
- Concerns about proposed pedestrian access (pathway) through a parking lot. It needs landscaping and buffering from parking stalls. How wide is the pathway?
- How will pedestrians and cyclists entering/exiting from the south access the grocery store, or safely cross the property to access Richmond Road?
- The current paved pathway at the southeast corner (Bryon/Kirkwood) is well used for residents coming from the east; removing it would make it difficult to walk to the Superstore.
- Support the plan/proposal, but improvements for clear and defined access are needed on the pedestrian/cyclist connections.
- No trees along Bryon Linear should be removed as a result of this proposal.
- If the pedestrian/cyclist pathway through the site is redesigned, it must be protected from cars and bumper overhang.
- How will residents south of Bryon access the site for pedestrian/cyclist movements?

- Overall supportive, but avoid snow storage in areas with existing landscaping and mature trees.
- Protect the new walkway/bike route from vehicle overhang or becoming snow storage. A physical barrier should exist.
- There is already inadequate snow storage on site, where will it all be stored?
- As many trees as possible on City of Ottawa property should be retained. The trees currently in place screen the present parking lot and future building from the pathway, thereby creating a green environment.

Response:

New pedestrian/cyclist pathways are shown on the site/landscape plan. These connections are very important both in functionality, use and appearance. The Site Plan application will confirm the final pathway widths and abutting landscaping treatments. Furthermore, it is important to note that the existing mature trees along Byron Linear Park are to be preserved through this application process. Snow storage will be confirmed on the final Site Plan, and staff agree that dedicated snow storage areas shall not be permitted in landscaped areas containing trees. Should the site prove to have insufficient snow storage, the site plan approval will contain a condition for private removal to be relocated off-site.

Parkland

- The proposed park needs direct access from Byron Linear.
- The park is a welcomed addition, but needs good access. What is planned?
- We do not want any disruption to the Byron Linear Park.
- Also, the parklet at the corner should be moved closer to the building. This will ensure that those walking through the pathway into the parking lot will not have to worry about crossing in front of vehicles.

Response:

The area dedicated for parkland will be subject to public consultation for the final design. Connectivity is important and looking at the best ways to integrate Byron Linear, the new park, and the pathway through the development site will be explored further through the public consultation process. The Zoning/Site Plan secure the location and size of area dedicated for parkland.

Land Use and Past Concepts

- How can the applicant guarantee that the building will be used for seniors? Would you entertain a Certainty Bond?
- Oppose rezoning the entire site into a TM zone. The rear of the property should remain low-rise residential as per the existing zoning.
- Row housing or single's and semi's would be fine, but no more height along Byron Linear.
- We don't want empty units. Is there truly a demand for a retirement home?
- Mid-rise does not belong amongst a low-rise residential neighbourhood.
- It is disappointing that the former semi/townhouse concept won't be pursued. The current zoning is appropriate.
- The reason for the current zoning is because all properties on Byron in the area are a maximum of three storeys high with the majority being two storeys. The proposed project will be adjacent to the National Capital Commission property with beautiful mature trees providing a visual shelter from the SuperStore and its parking lot. The proposed higher building will ruin the visual charm of Byron Avenue and reduce property values.
- Limit the development to three-storeys only or keep to the original plan.
- A retirement home is a desirable use of the land, although it should include more long-term care homes.
- This proposal is not good planning, nor is it a rezoning that will lead to orderly and appropriate development in the community. Brownfield sites need to be developed to maximize their potential contribution to the community by planning for flexible and continuous use over a 50 yr or longer time horizon. This proposal is mono culture and we can do much better.
- There are no high-density buildings along Byron in the vicinity, and the concern is the creeping of this type of development south of Byron.
- The old plan should stay in place. What happened to the concept for townhomes and semi's. Insufficient profit?
- Rezoning Byron as a 'traditional main street' to permit six-storey buildings, seemingly without local publicity about this change, when it does not have a bus route, and does not have commercial development (except a couple of

office/gallery spaces at the bottom of the new condos at Golden), seems inappropriate, and far too 'convenient' for the developer.

- Information about the proposal at the Churchill Seniors' Centre open house noted that 190 Richmond Road is within 600 metres of a transitway / light rail stop—and that therefore, a nine-storey building on 190 Richmond Road would fall within the city's official plan. Given that Loblaws did a "bait-and-switch" with its architectural plans after the re-zoning appeal 10 years ago, what assurance do residents have that Loblaws will not ask for nine storeys?

Response:

The owner has the right to make an application that varies from past concepts. Staff have reviewed this proposal and have determined that it is appropriate and represents good planning as outlined in the report. It should also be noted that the Traditional Mainstreet designation applies to the entire site as per the Official Plan and Secondary Plan. Should a proposal for development greater than six storeys be pursued at a later date, it would be subject to another application and public consultation. Staff have received no indication for anything other than what has been proposed.

Privacy, Sun Shadowing, and Value

- Privacy concerns for homes along Bryon, and decrease in property value.
- How will this development impacts neighbourhood property values and municipal taxes?
- Because the increased height will not impact sunlight on anyone's personal property, I do not initially object to this building being somewhat taller than current zoning.
- Loss of privacy and mature trees on site.
- How will the issue of noise be resolved, and dealing with the noise of loading bays?
- Building a six storey building right alongside green space/bike path, which will loom like a cliff, also seems inappropriate in a neighborhood of primarily one, one and one-half, two storey buildings. It should be kept to three storeys (like local triplexes) or staggered on the upper floors. There will be privacy issues for properties which are overlooked by the new development.

- All developers on major projects within 600 metres of a transitway stop should be required to arrange for off-street parking. Developers should be encouraged to require their workers to use the transit (park-and-ride) to get to work or to arrange for group transportation from a central parking lot to the development site.
- It is not acceptable that the city passively permits construction workers to flout parking by-laws in our neighborhoods and to fill our neighborhoods with parked vehicles, at the same time as it attempts to encourage greater use of alternative modes of transportation. Construction workers, especially construction workers from Quebec, are not exempt from expectations placed on other residents and taxpayers.

Response:

The department shares the same interest with maximizing tree preservation and maintaining the green screening along Byron Linear. The Site Plan approval will reflect this. Shadowing from this development will not impact the surrounding residential neighbourhood as the development is oriented to the south of the site and is well buffered from nearby low-rise residential areas. During construction, the owner will be subject to the appropriate permits and by-laws.

Community Organization Comments and Responses

Staff have not received any comments from a registered community group.