

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme**

**and Council  
et au Conseil**

**October 24, 2014  
24 octobre 2014**

**Submitted by  
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**Ward: RIDEAU-VANIER (12)**

**File Number: ACS2014-PAI-PGM-0178**

**SUBJECT: Zoning By-law Amendment – 67-71 Marquette Avenue**

**OBJET: Modification au Règlement de zonage – 67-71, avenue Marquette**

**REPORT RECOMMENDATION**

**That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 67-71 Marquette Avenue to permit a three-storey apartment building, as detailed in Document 2.**

## RECOMMANDATION DU RAPPORT

**Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 pour les 67-71, avenue Marquette, afin de permettre un immeuble à appartements de trois étages, comme il est détaillé dans le document 2.**

## BACKGROUND

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

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

### Site location

67-71 Marquette Avenue.

### Description of site and surroundings

The site has a total area of 742 square metres. It is currently occupied by two residential buildings, a rear yard shed and detached garage. A mix of residential dwelling types are located in the surrounding area, including single-detached, semi-detached and low-rise apartment buildings. Optimiste Park is located directly south-west of the site, Beechwood Avenue is 220 metres to the west and Beechwood Cemetery is approximately 250 metres to the north.

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

The applicant is proposing a three-storey low-rise apartment building with 20 units. Eleven parking spaces, including one visitor parking space, are proposed in a sub-surface parking area that is covered by the building's common amenity area located in the rear yard of the property. The driveway to access the parking area is proposed to be on the west side of the building.

A Zoning By-law amendment is requested to accommodate the proposed development. Specifically, the application is seeking modifications to various performance standards associated with the R4E zone including an increase in dwelling units from four to 20 units, reduced setbacks to accommodate the parking area which is partially above grade, and reductions to driveway and aisle widths and the number of visitor parking spaces to be provided.

## **DISCUSSION**

### **Public consultation**

A public meeting was held on June 2, 2014 at the Centre Francophone de Vanier. Twenty residents, the applicant, the owner, the City planner, and the Ward Councillor were present.

The applicant presented the proposal. There were comments and discussion on infrastructure capacity, parking and traffic, bicycle parking, privacy, garbage, number of units, scale, design, property values, and the existing zoning.

Comments and issues raised during the public consultation were echoed in the written comments received in response to the application circulation.

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

### **Official Plan designation**

This application is being processed under the Official Plan as amended by Official Plan Amendment No. 150; however, this application does not rely specifically upon any of the amendments introduced by the amendment.

Schedule B of the Official Plan designates the property as "General Urban Area", which permits all types, tenures and densities of housing in a manner that enhances and complements the desirable characteristics and ensures the long-term viability of existing communities.

Within the policy framework of the Official Plan, compatible development means development that is not necessarily the same as existing buildings but coexists without causing undue adverse impact. The Official Plan further requires that development applications be assessed against design and compatibility criteria set out in Section 2.5.1 and Section 4.11.

Relevant considerations from Section 2.5.1, Urban Design and Compatibility, include encouraging a continuity of street frontages, allowing built form to evolve through architectural style and innovation, accommodating the needs of a range of people of different incomes and lifestyles at various stages, and maximizing opportunities for sustainable transportation modes. Section 4.11 identifies relevant policies regarding scale, height, setbacks of adjacent properties, traffic, access, parking, outdoor amenity areas, service areas, sunlight and supporting neighbourhood services.

## Planning rationale

The proposed development responds to the Official Plan policies outlined above. It is permitted under the General Urban Area designation and appropriately responds to the design and compatibility criteria set out in Sections 2.5.1 and 4.11. The proposed building is a rental apartment building with a variety of unit sizes that will add to the residential housing stock within the area.

Through the review of the application, changes have been made to the project to provide design features that would provide for a good fit for the project within the community. These include a reduction in units from 22 to 20; the addition of a visitor parking space to the parking provided underground; relocation of the main entrance from the side to the front of the building; enclosure of the parking area; a continuance of the third level terraces across the front of the building; softening of materials and emphasis on the third storey; and a reduction in height from 11.4 metres to 10.6 metres.

The project as modified is consistent with directions provided in Section 2.5.1 of the Official Plan. It addresses the street through glazing elements, a prominent front entrance, and balconies. Further, the height proposed is 10.6 metres which is less than the maximum of 11 metres allowed by the current zoning. Also, while a series of amendments are proposed to setbacks, they are largely related to the existence of a parking area at the rear which is partially below grade and extends above grade by 1.4 metres at its highest point. Because this parking area is partially above grade, setbacks for the rear and the portion of the building 21 metres back from the street are proposed to be reduced to zero. However, the actual building itself meets and in some cases exceeds the required setbacks in Zoning By-law 2008-250.

With respect to impacts to be assessed as set out in Section 4.11, staff are satisfied that no undue adverse impacts will result from the proposed development. The project will provide a partially underground parking area which reduces impact of vehicle noise and headlights on adjacent properties. Also, vehicular parking will be provided to meet the requirement for residential spaces and, while one visitor space is provided (where Zoning By-law 2008-250 requires two), this is deemed adequate given the proposed development will reduce the existing driveways on the property and create one additional on-street parking space. Traffic impact will also be minimal and bicycle storage and parking have been provided both interior and exterior to the building to support cycling as an alternate mode of transport for residents. Outdoor amenity area in the rear has been screened, garbage areas will be provided underground, and shadowing impacts are generally less than the permitted zoning envelope.

Finally, the development will be adequately served by nearby services and amenities including Optimiste Park on the east side of Marquette Avenue, Trille-des-Bois and Le Trillium Public Elementary Schools approximately 300 metres from the subject site, a grocery store 800 metres from the subject site on Beechwood Avenue and many shops and services along Beechwood Avenue, located approximately 240 metres north-west.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

The Ward Councillor is aware of the application related to this report.

### **LEGAL IMPLICATIONS**

Should the recommendation be adopted and the matter appealed to the Ontario Municipal Board, it is anticipated that a three day hearing would result which could likely be handled within staff resources. In the event that the application is refused reasons must be provided. Were the refusal appealed to the Ontario Municipal Board, an outside planner would need to be retained.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **FINANCIAL IMPLICATIONS**

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

### **ACCESSIBILITY IMPACTS**

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Depressed curbs will be constructed in accordance with City standards.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TECHNOLOGY IMPLICATIONS**

Information Technology and Planning and Growth Management have agreed that for Land Use reports from Development Review Services and Policy Development and Urban Design Branches, there is no technology component.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

C1 – Contribute to improvement of quality of life.

EP3 – Support growth of local economy.

GP3 – Make sustainable choices.

## **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 Consultation Process

Document 4 Site Plan and Perspectives

Document 5 Overview Data Sheet (attached separately – on file with City Clerk)

## **CONCLUSION**

The proposed development is located in the General Urban Area and complies with relevant Official Plan policies including accommodating the needs of a range of people, and respect for a community's established characteristics. The development responds to all relevant Urban Design and Compatibility criteria in the Official Plan with no substantive undue adverse as discussed above. The Department is recommending the Zoning By-law amendment be approved.

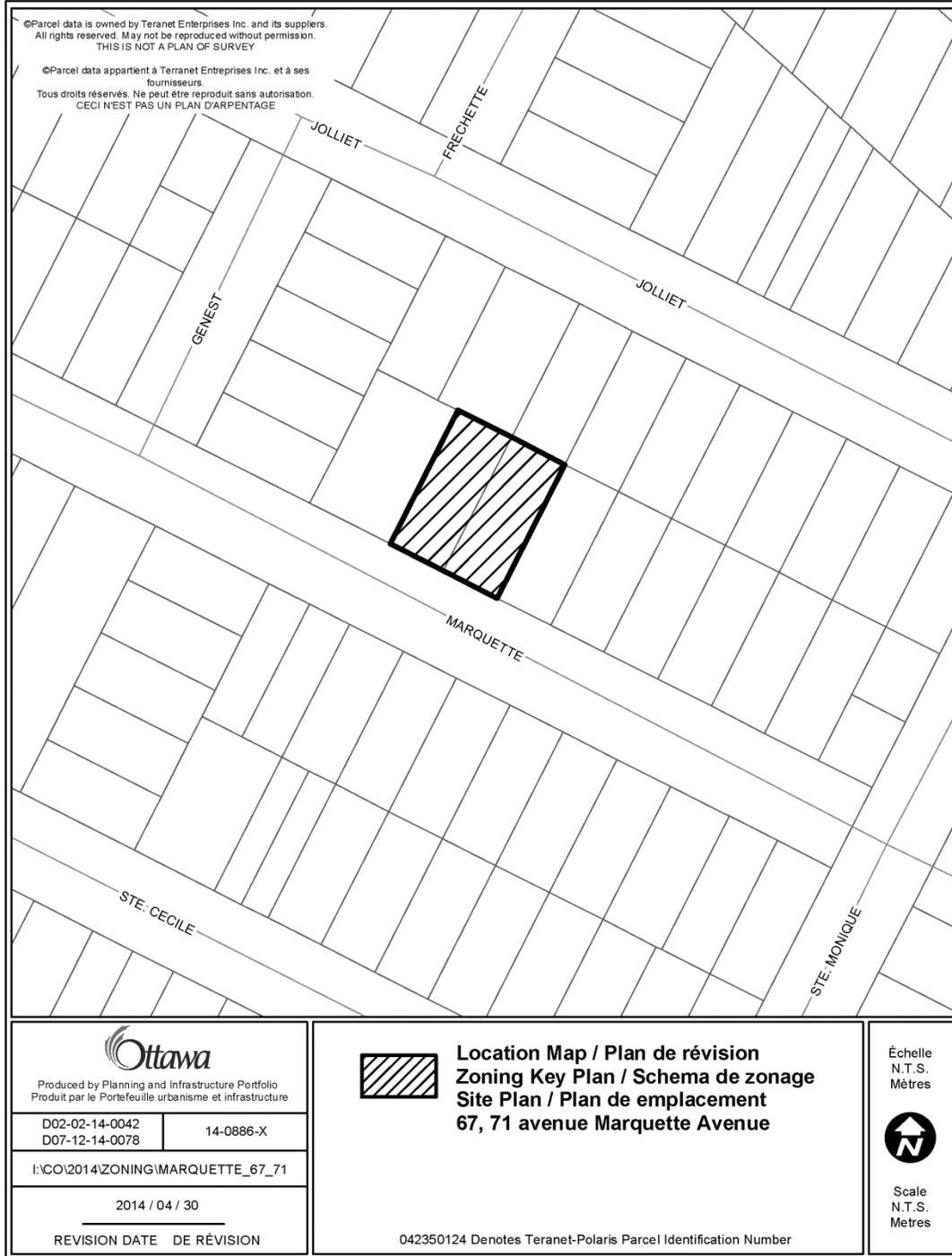
**DISPOSITION**

Planning and Growth Management Department to prepare the implementing by-laws, forward to Legal Services and undertake the statutory notification.

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

# Document 1 – Location Map

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



## Document 2 – Details of Recommended Zoning

Proposed changes to Zoning By-law No. 2008-250 for 67 and 71 Marquette Avenue:

1. Rezone the land as shown on Document 1 from R4E to R4E [XXXX].
2. Create a new exception, R4E [XXXX], with provisions similar in effect to the following:
  - Despite Endnote 2 of Table 162B, the maximum permitted number of dwelling units in an apartment building, low-rise, is 20.
  - The minimum rear yard setback is 0 metres for any part of the building 1.5 metres in height or less and 7.5 metres for any part of the building above 1.5 metres in height.
  - The minimum interior side yard setback is 0 metres for any part of the building 1.5 metres or less in height and 1.5 metres for any part of the building above 1.5 metres in height.
  - The minimum front yard setback is 3 metres.
  - Despite 107(1)(a), the minimum driveway width is 3 metres.
  - Despite 107(1)(c), the minimum aisle width is 3.8 metres.
  - The minimum number of visitor parking spaces required is one.
  - Required communal amenity area may be located on the roof of that part of the building measuring less than 2 metres in height and may consist only of hard landscaping and need not be located in the rear yard.
  - The required minimum landscaped area is 5% of the lot area.

## **Document 3 – 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 amendments. Fourteen respondents expressed concern with the submitted proposal. One public meeting was also held in the community on June 2, 2014 at the Centre Francophone de Vanier.

### Public Comments and Responses

#### Impact on Adjacent Properties

- The digging for the foundation of the new building will jeopardize the integrity of adjacent structures.
- Water will be diverted onto neighbouring properties.
- Disagreement over where the property line exists.
- Concerns regarding privacy.
- Main entrance along the side wall is too close to adjacent properties.
- There will be increased noise.
- Concern over shadowing impacts.
- Property values in the area will decrease.

#### Response:

Site excavation is a matter that is addressed through the building permit application process.

A Site Servicing and Grading Plan has been submitted as part of the Site Plan Control application and will ensure that no increased drainage will be directed towards neighbouring properties.

The Site Plan prepared as part of the application has used property lines from a survey prepared by an Ontario Land Surveyor.

The building has been designed to orient the majority of windows to the front or rear of the property to minimize impacts on privacy. The common outdoor amenity area has been provided in the rear yard above the parking area and a 1.8-metre fence will be provided surrounding it to minimize any impacts on adjacent properties.

The main entrance has been relocated from the side wall to the front of the proposed building.

An Environmental Noise Study was submitted as part of the subject application. Residents of the future building will be required to adhere to the City's Noise Control By-law. For exterior noise sources, a condition may be included as part of the Site Plan Control if warranted that provides for warning clauses to be provided for either purchase and sale agreements or tenancy agreements.

A sun/shadow study has been submitted illustrating minimal difference between the permitted and proposed zoning envelope and resulting shadows. For some of the adjacent properties, shadow impacts are actually decreased with the proposed building compared to what is permitted under the existing Zoning By-law.

The Department has no evidence that a development generally fitting within planning directions for an area will have an adverse impact on property values in the area.

#### Traffic and Parking

- There will be increased traffic.
- There is not enough parking provided.
- The owner cannot predict that half of the tenants will not own cars.
- Visitor parking should be accommodated on the site.
- Parking area should not be built adjacent to the lot lines.
- The location of the driveway does not meet the minimum 3-metre setback required in the City's Private Approach By-law.
- Tenants with trucks will not be able to get into the garage.
- The location of the driveway does not meet the minimum 3-metre setback required in the City's Private Approach By-law.
- Safety concerns about vehicle exiting parking ramp with car parked on the street.

Response:

A Transportation Overview was submitted as part of the proposal and concluded that the proposed development would generate approximately one new vehicle every 12 minutes during the peak weekday hours. This rate is deemed acceptable by the Department and will have negligible impact on the community.

The proposed number of parking spaces meets the Zoning By-law requirement for resident parking. The proposal has been amended to include one visitor parking space to accommodate longer term visitors than the on-street parking permits. While this is one less parking space than the zoning requires, it is deemed acceptable given the availability of on-street parking. There is also recognition that through the redevelopment, the driveways that exist currently will be consolidated into one single access, meaning potential for an additional on-street parking space directly in front of the proposed development.

The Zoning By-law does not regulate setbacks below grade. The parking area is 1.4 metres above grade at its highest point and in order to minimize impact will be screened with an ivy cover where it is exposed to adjacent properties.

The proposed driveway is 3.09 metres wide and as such meets the Zoning By-law requirements for a single-lane driveway. Three metre wide driveways or less exist across the City and have been deemed sufficient for a variety of vehicle types.

While the proposed driveway does not meet the Private Approach By-law in terms of setback from the adjacent property, there is a low volume of traffic predicted and good sightlines along Marquette Avenue. The specifics of the driveway location will be addressed through the Site Plan Control review process.

Safety measures will be incorporated into the design including a convex mirror at the base of the ramp to improve visibility and provide an indication of oncoming traffic.

Design

- The design does not fit into the residential look of our street. The size and style of the building is not liked by residents.
- The proposed development does not relate to the existing community character.
- The development should respect the impact of scale and massing on adjacent homes.

- Windows for the basement apartments at the front are uncomfortable for passers-by.

Response:

As discussed above, the Official Plan Section 2.5.1 states that in general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impacts.

The built form in the immediate area is between one to three storeys, but the greater community includes building of up to four storeys. The height of the building has been amended to 10.56 metres which is less than the permitted height in the Zoning By-law and is deemed an acceptable.

The proposed design contains a flat roof, is four floors of living space with the lowest partially below grade. Adjacent dwellings on either side and to the rear are two storeys with a pitched roof.

Flat roof multi-unit buildings are found in the area and on Marquette Avenue.

The massing of the building has been broken up through the use of different materials and setbacks to integrate the development with the character, height and scale of existing buildings in the area.

Partially below grade storeys containing windows exist in the area currently. It is further noted that sidewalks do not exist on this side of the street and the building is setback more than 5 metres from the paved portion of the Right-of-Way.

Views are not protected elements under the *Planning Act*.

Tenure and Occupants

- The building will attract the wrong people and take away from the family oriented street.
- Would like the building to be occupied by owners and not renters.
- Approval of this type of development could attract people with drug problems.

Response:

The General Urban Area designation permits the development of a range and choice of housing types to meet the needs of all ages, incomes and life circumstances. The Department does not have the authority to regulate tenure under the *Planning Act*.

Unit Count

- There are too many units.
- This is overdevelopment of the site and not smart or sustainable.

Response:

The applicant has proposed 20 units and has demonstrated minimal impacts from the increased units on its adjacent and wider surroundings.

Trees

- Concern over tree removal in the rear yard and not enough trees as replacements.
- Concern that trees on the property line will be destroyed.

Response:

Tree removal and replacement will be reviewed as part of the Site Plan Control Application. There is recognition that replacement of existing trees will be difficult given the underground parking provided. The Department will review potential alternatives such as planting in alternative off-site locations.

Garbage and Snow Storage

- Concern over garbage storage.
- Concern regarding snow removal.

Response:

Garbage will be stored in a garbage room inside the partially underground parking area. Further review through the Site Plan Control process will determine specifics with respect to waste collection.

The ramp to the underground parking area will be required to incorporate a subsurface melting device to remove potential for snow buildup.

#### Comments Regarding Submitted Supporting Documents

- Documents are not consistent in recognizing the proposal as either a three-storey, three and a half-storey or four-storey building.
- Concern regarding proximity to a fire hydrant.
- The Environmental Site Assessment has inconsistent information about when the existing buildings were created.
- Geotechnical Study Comments: The design drawings should be reviewed by a Geotechnical engineer, the foundation should be located above the groundwater level and pre-construction surveys should be carried out on nearby structures so that any damage claims can be addressed in a fair manner.
- Noise Study Comments: Concern that existing residents should have to purchase air conditioners so that they can close their windows to block noise from the proposed development.
- Planning Rationale Comments: Concern that community amenities identified are not within 1 kilometre of the subject site and some of the amenities are available only to Francophones. The applicant may not only be renting to Francophones.
- Average setback of adjacent properties is not 3.8 metres.

#### Response:

The Zoning By-law recognizes the building as a three-storey building. Regardless of the number of storeys, the building heights are regulated in the Zoning By-law through height.

The location of the fire hydrant will be clarified through the Site Plan Control process.

The date of construction of the existing buildings is irrelevant to the proposed Zoning By-law amendment since they are proposed to be demolished.

The geotechnical study is reviewed by staff as part of the Site Plan Control application and through the building permit review process.

An Environmental Noise Study was submitted as part of the subject application. Residents of the future building will be required to adhere to the City's Noise Control By-law. The noise study did not anticipate adverse noise impacts being generated by the proposed development.

While the Planning Rationale may have erroneously identified distances for some community amenities, the Department recognizes that the proposed development is close to many amenities.

While some nearby amenities may be primarily available to Francophones, there are an abundance of amenities nearby that will provide service to any resident who may chose to occupy a unit within the project.

The setbacks of adjacent properties were determined by an Ontario Land Surveyor to illustrate a zoning provision that allows for averaging the front yard setback through the front yard setbacks of the properties directly adjacent on two sides.

#### Other Comments

- Only single family homes should be allowed here.
- The development would set a precedent for all of Vanier.
- Residents who own rental properties may not be able to rent their properties with 22 rental units proposed.
- The owner is not being transparent. Different company names have been used.
- The owner should build an apartment in front of his home and not in Vanier.
- The current property is not maintained.

#### Response:

The existing R4E zoning allows a wide mix of residential building forms ranging from detached to low-rise apartment dwellings. The existing neighbourhood also contains a range of built forms.

Each development application is evaluated on its own merits.

The Department does not have the authority to limit competition or availability of rental dwelling units. The Department does however note that there is generally a low vacancy rate for rental accommodations in the city.

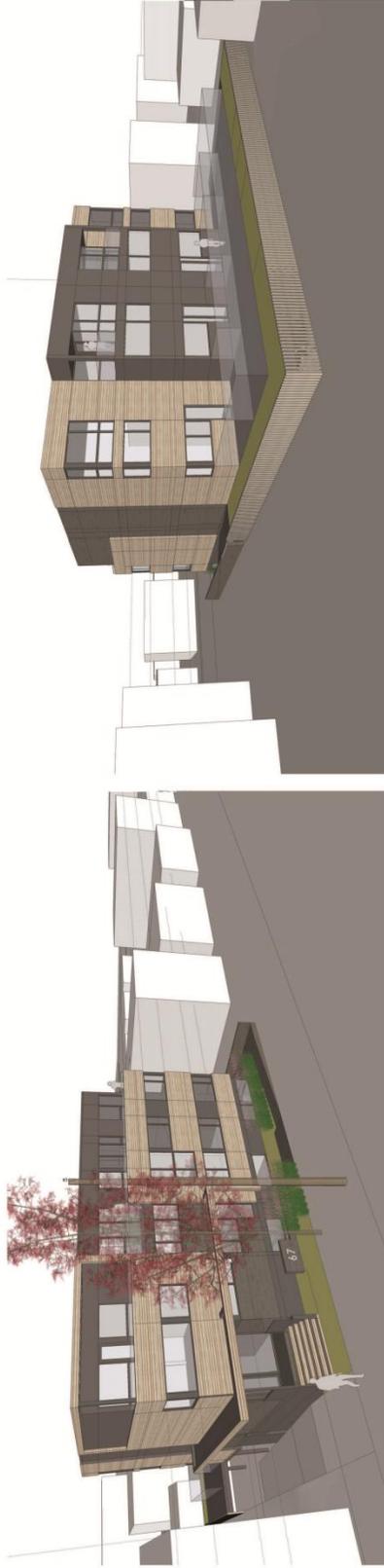
The *Planning Act* provides anyone the right to request a Zoning By-law amendment, without requiring they live within certain proximity. The request is evaluated with respect to Provincial and municipal policies, the existing and the planned context.

If there is a concern with maintenance of the current property, a call can be made to 311 to request an inspector to review the site and determine if it is in compliance with the Property Standards By-law.

There are several benefits from the subject proposal to the Vanier community and larger Ottawa area including additional residents living in the area to contribute to strengthening of local demand for retail and services, providing for infilling to provide retail continuity and support pedestrian movement and activity, with the additional dwelling units also maximizing use of existing services and infrastructure to reduce pressure for expansion of the urban boundary into undeveloped greenspace.

The Department recognizes that the proposal is larger than some of the existing buildings on the block. The request has been evaluated in terms of impact and compatibility with the surrounding community, and the Departmental position is not based on the numerical increase alone. The other part of evaluating impact was consideration of the pedestrian experience at the streetscape or ground level. To that end, design elements ensure that the proposed building serves to enhance the streetscape. The subject property exists in an urban context where views continue to evolve. The evaluation must be based not only on the existing context, but on the policy direction and intent for the future context.





Christopher  
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67-71 MARQUETTE AVE.  
PERSPECTIVE VIEWS

AUGUST 1 2014