

**11. ZONING BY-LAW AMENDMENT – 112 NELSON STREET  
MODIFICATION DU RÈGLEMENT DE ZONAGE – 112, RUE NELSON**

**COMMITTEE RECOMMENDATIONS**

**That Council:**

- 1. consider this report at its meeting on July 11, 2018, pursuant to Sub-Section 35. (5) of Procedure By law 2016-377;**
- 2. approve an amendment to Zoning By-law 2008-250 for 112 Nelson Street to permit a nine-storey apartment building, as detailed in Documents 2 and 3;**
- 3. approve 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.**

**RECOMMANDATIONS DU COMITÉ**

**Que le Conseil :**

- 1. étudie ce rapport à sa réunion du 11 juillet 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377;**
- 2. approuve une modification au Règlement de zonage n° 2008-250 relativement au 112, rue Nelson, de façon à permettre un immeuble d'habitation de neuf étages, comme le précise les documents 2 et 3;**
- 3. approuve que le règlement de mise en œuvre ne soit pas soumis au Conseil avant la signature de la convention prévue à l'article 37 de la *Loi sur l'aménagement du territoire*.**

DOCUMENTATION / DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 28, 2018 (ACS2018-PIE-PS-0086)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 28 juin 2018 (ACS2018-PIE-PS-0086)

2. Extract of draft Minutes, Planning Committee, July 11, 2018

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 11 July 2018

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of 29 August 2018, 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 11 July 2018".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 29 août 2018 du 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 11 juillet 2018 »

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
10 July 2018 / 10 juillet 2018**

**and Council  
et au Conseil  
11 July 2018 / 11 juillet 2018**

**Submitted on 28 June 2018  
Soumis le 28 juin 2018**

**Submitted by  
Soumis par:**

**Lee Ann Snedden,  
Director / Directrice**

**Planning Services / Services de la planification**

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

**Contact Person / Personne ressource:**

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demandes d'aménagement**

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

**File Number: ACS2018-PIE-PS-0086**

**SUBJECT: Zoning By-law Amendment – 112 Nelson Street**

**OBJET: Modification du Règlement de zonage – 112, rue Nelson**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 112 Nelson Street to permit a nine-storey apartment building, as detailed in Documents 2 and 3;**

2. 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;
3. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the 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 July 11, 2018", subject to submissions received between the publication of this report and the time of Council's decision; and
4. That Planning Committee recommend Council consider this report at its meeting on July 11, 2018, pursuant to Sub-Section 35. (5) of Procedure By-law 2016-377.

#### RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage n° 2008-250 relativement au 112, rue Nelson, de façon à permettre un immeuble d'habitation de neuf étages, comme le précise les documents 2 et 3;
2. Que le règlement de mise en œuvre ne soit pas soumis au Conseil avant la signature de la convention prévue à l'article 37 de la *Loi sur l'aménagement du territoire*;
3. 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 11 juillet 2018, 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.

- 4. Que le Comité de l'urbanisme recommande au Conseil d'étudier ce rapport à sa réunion du 11 juillet 2018, conformément au paragraphe 35. (5) du Règlement de procédure 2016-377.**

## **EXECUTIVE SUMMARY**

### Assumption and Analysis

The Zoning By-law amendment permits the development of a nine-storey apartment building. The subject site is an irregular L-shaped property, and the development will be oriented towards Nelson Street with the building height transitioning to lower heights towards the rear of the site. The site is currently zoned General Industrial, and the rezoning will bring the site into a Residential Zone.

### Public Consultation/Input

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

During the application review process, an information session was organized on May 2, 2018 with residents from the apartment at 110 Nelson Street; approximately eight 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 residents. Staff attended the meeting to field questions on process and next steps.

Approximately 15 respondents commented on the proposal, with concerns expressed about built form and compatibility, traffic and parking, sun shadowing and general impacts. The majority of the comments submitted on this application came from the residents of 110 Nelson Street.

## **RÉSUMÉ**

### Hypothèses et analyse

La modification du *Règlement de zonage* permet l'aménagement d'un immeuble d'habitation de neuf étages. Le site en question a une forme irrégulière en « L », l'aménagement sera orienté vers la rue Nelson, et la hauteur de l'immeuble diminuera à l'arrière du site. La zone d'industrie générale deviendra une zone résidentielle.

## Consultation publique/commentaires

Un avis a été donné et une consultation publique a eu lieu, conformément à la Politique d'avis et de consultation publique approuvée par le Conseil pour les demandes d'aménagement.

Pendant le processus d'examen de la demande, une séance d'information a été organisée le 2 mai 2018 avec les résidents du 110, rue Nelson; environ huit personnes étaient présentes. Le demandeur a présenté une synthèse de la proposition et des révisions apportées en réponse aux premiers commentaires. Les questions des résidents ont occupé la majeure partie de la séance. Le personnel a assisté à la séance pour recevoir les questions sur le processus et les étapes à venir.

Une quinzaine de répondants ont commenté la proposition et posé des questions sur la forme bâtie et sa compatibilité, la circulation, le stationnement ainsi que l'ombre et l'incidence générale de l'immeuble. La plupart des commentaires sont venus de résidents du 110, rue Nelson.

## **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**

112 Nelson Street

### **Owner**

Carleton Condominium Corporation 396

### **Applicant**

Domicile (David Renfroe)

### **Architect**

Vincent Alcaide

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

The subject site is located on the west side of Nelson Street mid-block between York Street to the north and Rideau Street to the south, in the Lowertown neighbourhood. The subject site is irregular in shape and has a total lot area of approximately 2,950 square metres and approximately 18.5 metres of frontage along Nelson Street.

Immediately north of the subject site is an automobile repair shop and an eight-storey apartment building. Further north is a predominantly low-rise residential neighbourhood. To the immediate west of the subject site are various cultural and recreational uses and a surface parking lot that fronts on King Edward Avenue. To the south of the subject site is a one-storey restaurant. Further south is Rideau Street, which is characterised by a variety of uses and buildings. Across Nelson Street to the east is a residential development consisting of low-rise townhomes and the back of a Loblaws retail food store.

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

The applicant proposed to rezone the site to residential to permit a nine-storey apartment building with approximately 150 dwelling units consisting of one-, two- and three-bedroom units. Underground parking has been designed to accommodate 67 parking spaces, which will include a minimum of six visitor spaces. The garage level also includes 74 bicycle parking stalls.

The site is currently zoned General Industrial, Subzone 1 (IG1 H(11)), which permits a variety of industrial and commercial uses with a height limit of 11 metres. The applicant has proposed to rezone the site Residential Fifth Density Zone (R5) with site-specific provisions to permit a mid-rise residential apartment building with a height limit of 30 metres (nine storeys). The recommended amendment generally includes the following:

- Rezone the site to a Residential Fifth Density Zone, Subzone B (R5B), to permit the development of a nine-storey apartment building.
- Reduce the minimum required lot width to 18.4 metres (22.5 required).
- Add a new Schedule YYY to regulate minimum yard setbacks and building stepbacks and maximum building heights.
- Reduce the required residential parking space rate to a minimum of 0.4 per dwelling unit (0.5 required).

- Reduce the amount of visitor parking required to a minimum of six spaces (14 required).
- Minimum driveway and aisle width of 6 metres.

## **DISCUSSION**

### **Public consultation**

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

During the application review process, an information session was organized on May 2, 2018 with residents from the apartment at 110 Nelson Street; approximately eight 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 residents. Staff attended the meeting to field questions on process and next steps.

Approximately 15 respondents commented on the proposal, with concerns expressed about built form and compatibility, traffic and parking, sun shadowing and general impacts. The majority of the comments submitted on this application came from the residents of 110 Nelson Street.

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

### **Official Plan designation**

The site is located within the General Urban Area designation as shown on Schedule B of the City's Official Plan.

### **Planning rationale**

#### Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

#### 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).

The site is designated as General Urban Area (Section 3.6.1), which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances. Residential intensification through infill will respond to the existing character to enhance desirable patterns and built form while also achieving a balance of housing types and tenures. The proposed rezoning takes an existing industrial site with a mix of non-residential uses and rezones the lands to residential. Residential zoning responds to the existing character of the residential neighbourhood with its close proximity to traditional mainstreets like Rideau Street and King Edward Avenue. The rezoning permits a nine-storey apartment similar in height to the abutting lot at 110 Nelson Street, and the new zoning schedule ensures a compatible relationship with abutting properties in response to the existing patterns and built form.

Section 2.2.2 – Managing Growth within the Urban Area, through Policy 15, speaks to supporting intensification in the interior portions of stable, low-rise residential neighbourhoods where development will enhance and complement desirable characteristics and the area's pattern of built form and open spaces. The subject site is uniquely shaped, and the proposed rezoning shapes the built form to respect surrounding open spaces and built form relationships. With the unique L-shaped lot, it was important to create setbacks that act like a rear yard around key points on site to ensure compatibility with abutting properties, both in existing built form and planned function.

Section 2.5.1 and 4.11 of the Official Plan provides policy direction for urban design and compatibility. Document 4 provides supporting images to highlight the proposed site plan and massing concepts.

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 brings the building to the street, whereas the current site has the commercial/industrial building tucked away at the back of the site with no street presence and an uninviting public realm. While the building design has not advanced much past an appropriate massing, the recommended zoning will allow for a new residential building with an active frontage and significant opportunities for more landscaping on site than what currently exists.

Section 4.11 can be applied to individual properties and provides directions on impacts between new and existing development. The proposed development will provide an underground garage with sufficient vehicle and bicycle parking, with the access and garage door set back to ensure adequate sightlines for safety as well as a good urban design. The building mass was significantly changed throughout the review of this application in response to the built form relationship with abutting properties, including compatibility with the large outdoor amenity area at the rear of 110 Nelson Street, from a relationship perspective, sun shadowing impacts and the developability of surrounding properties. The proposal positively contributes to the neighbourhood by adding a residential development on a current industrial/commercial site and residential intensification in an area well served by neighbourhood services and amenities, such as the variety of uses within walking distance along the Rideau Street and King Edward Avenue corridors. The Rideau Light Rail Transit (LRT) station is also located within approximately 750 metres walking distance of the site.

In regards to OPA 150, the General Urban Area designation generally limits building height to four storeys but contains a policy direction that permits additional height through a rezoning where the site is located within 800 metres walking distance of a Rapid Transit Station or 400 metres walking distance from a Transit Priority Corridor. Rideau Street is a transit priority corridor approximately 100 metres from the site, and the Rideau LRT Station is within 750 metres walking distance. Furthermore, the policy acknowledges that additional height should not exceed height permitted by adjacent existing height or the planned function. The subject site is two lots in from lands included within the Uptown Rideau Secondary Plan where building heights up to 25 storeys are contemplated. The proposed nine-storey built form is similar in mass at the street level to the adjacent eight-storey building at 110 Nelson Street and serves as an appropriate transition for the planned function of the Rideau Street corridor and permitted heights.

Staff are satisfied that the requested Zoning By-law amendment for the proposed nine-storey apartment conforms with the Official Plan and represents good planning. The interior neighbourhood in this part of Lowertown is predominantly residential and the current industrial/commercial building is not the best fit. Rezoning to residential aligns with the character and the proposed setbacks and building setbacks, as shown in Schedule YYY (Document 3), and ensures compatibility with the surrounding properties. The proposed apartment offers a variety of unit types from one-, two- and three-bedroom units, including some affordable housing units. Bringing the built form closer to

the street will contribute to the pedestrian realm of Nelson Street and respect the residential character with consistency in the front yard setback and open spaces between buildings. The proposal represents appropriate residential intensification within the interior of a stable residential area and provides 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 nine-storey residential apartment building, whereas the current zoning is General Industrial with a number of non-residential uses that are arguably not appropriate for the subject site and location, such as parking garage and storage yard, for example. The current zoning restricts the height to 11 metres. While the rezoning significantly increases the permitted gross floor area on site, the department appreciates the amendment to a residential zone from the current zone and proposed use of the property. Section 37 contributions remain applicable given the value uplift. Staff are of the opinion that the proposal represents good planning and that in addition to the new building, the required contributions will serve as a benefit to the community.

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 \$300,000 plus the specific contributions listed below. The total contribution, including monies and benefits, will provide the following:

- \$300,000 will be provided to a Ward 12 specific account for local area improvements to public space, traffic calming and/or parks.
- A minimum of 10 per cent of the dwelling units are required to be three-bedroom units to encourage a variety of household types and to encourage families to locate to this downtown location.
- The front of the site will be designed with a small public-owned private space to further enhance the public realm along Nelson Street.
- Ten per cent of the dwelling units must be affordable housing units, subject to a separate affordable housing agreement, and administered by a housing provider.

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

#### Proposed Zoning Details

As detailed in Document 2, the proposed Zoning By-law Amendment will rezone the site to Residential Fifth Density Zone, Subzone B (R5B), with a site-specific exception [xxx] for various performance standards, and new Schedule YYY to control minimum yard setbacks and building setbacks and maximum building heights. The following summarizes the site-specific zoning provisions and the planning rationale:

- The R5B zoning is consistent with the zoning on the surrounding properties and permits a range of residential uses that are appropriate and compatibility for the subject site location.
- The irregular lot shape has a relatively narrow frontage along Nelson Street, and although a 22.5-metre lot width is normally required in the R5B zone for an apartment, mid-high rise, the proposed development has demonstrated the ability to provided adequate setbacks along the perimeter of the site in a manner that is compatible, responds to existing patterns of open spaces and is mindful of the development potential on abutting properties.

- The new Schedule YYY, as shown in Document 3, regulates minimum setbacks and building setbacks and maximum building height. The yard setbacks were established to ensure a compatible relationship with the abutting properties to reflect an appropriate rear yard type setback given the irregular shape of the property. The building height at the rear of the site was reduced to a transition height of four and five storeys to provide transition on the site as it moves towards the low-rise portion of the neighbourhood and to improve sun-shadowing impacts, especially on the abutting outdoor amenity area of 110 Nelson Street.
- Driveway and aisle width is recommended to be 6.0 metres. The mature neighbourhood overlay requires a maximum width of 6.0 metres, yet Section 107 of the Zoning By-law requires a minimum of 6.7 metres. Staff support a driveway and aisle width at 6.0 metres as it is consistent with the mature neighbourhoods overlay and has been proven to be safe and appropriate from a transportation perspective.
- The proposed development will provide a variety of unit types, including affordable housing units. The area is located within walking distance to Rideau Street, which is a transit priority corridor, and the Rideau LRT Station. Given the site location, the reduction in parking is appropriate and is expected to suffice for the proposed development, which should largely focus on more active modes of transportation.

The department supports the proposed zoning and is of the opinion that the proposal conforms to the Official Plan. The exceptions and schedule allow for the development of a challenging and unique site in a manner that creates a compatible building envelopment.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

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

Councillor Fleury provided the following comments:

"This property is adjacent to Rideau Street and in the residential neighbourhood of Lowertown.

The applicant has brought welcome changes to the massing of the project following the

public comments. As this application strictly looking at the zoning for the property, we look forward to working through the design details and site plan details with the applicant and the community going forward. We are happy to see 3 bedroom units in their proposal.

As Staff has come to an agreement with the applicant on affordable units, we want to ensure that the affordability of units are in line with the City's housing branch financial ranges. Also we want to ensure that a non-4-profit such as OCH or CCOC are transferred those affordable units to ensure affordability overtime.

There is an opportunity to work with the applicant and the community on community benefits as part of the section 37 funds. There could be an opportunity for an interesting medium sized park project right across the street on OCH property next to the Loblaws. That being said, to make this park project a reality we would need the applicant to increase their proportion of funds to the S.37 benefits. We feel that City staff have greatly reduced the section 37 funds, via drawn downs, for elements that are redundant for my community."

### **LEGAL IMPLICATIONS**

There are no legal impediments associated with implementing the recommendations contained within this report.

### **RISK MANAGEMENT IMPLICATIONS**

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

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of 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 \$300,000 plus the specific contributions listed below. The total contribution, including monies and benefits, will provide the following:

- \$300,000 will be provided to a Ward 12 specific account for local area improvements to public space, traffic calming and/or parks.
- A minimum of 10 per cent of the dwelling units are required to be three-bedroom units to encourage a variety of household types and to encourage families to locate to this downtown location.
- The front of the site will be designed with a small public-owned private space to further enhance the public realm along Nelson Street.
- Ten per cent of the dwelling units must be affordable housing units, subject to a separate affordable housing agreement, and administered by a housing provider.

These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contributions will be contained within the Section 37 agreement and will be indexed and calculated from the date of the Section 37 Agreement to the date of payment.

### **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:

- HC3 – Create new and affordable housing options
- EP 2 – Support growth of local economy

### **APPLICATION PROCESS TIMELINE STATUS**

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the discussions around Section 37 requirements and a number of revisions that occurred during the review process.

### **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Schedule YYY

Document 4 Proposal Concept and Massing

Document 5 Consultation Details

## **CONCLUSION**

The department supports the application and proposed Zoning By-law amendment. The proposed rezoning allows for residential intensification by redeveloping a site that is currently zoned industrial with a commercial building at the rear of the site. The new apartment building will provide street-level animation with a built form that is compatible with its surroundings and respects the relationships and character of adjacent properties. The subject site is appropriate for intensification with the proximity to the Rideau LRT Station and variety of services and amenities within walking distance along the main street corridors of Rideau Street and King Edward Avenue. The rezoning conforms to the Official Plan, is consistent with the Provincial Policy Statement and represents good planning.

## **DISPOSITION**

Staff are recommending this report be considered at the July 11, 2018 Council meeting to prevent delays in approval caused by the eight week delay before the next scheduled Council meeting on August 29, 2018.

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.




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



Document 1 – Location Map

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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-17-0114	18-0592-X	 <b>112 avenue Nelson Avenue</b>	
I:\CO\2018\Zoning\Nelson_112		Area A to be rezoned from IG1 H(11) to R5B[xxxx] SYYY Le zonage du secteur A sera modifié de IG1 H(11) à R5B[xxxx] SYYY	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers          All rights reserved. May not be produced without permission          THIS IS NOT A PLAN OF SURVEY</small>		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc.          et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit          sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>		 <small>NOT TO SCALE</small>	
REVISION / RÉVISION - 2018 / 05 / 08			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 112 Nelson Street is as follows:

1. Rezone the lands as shown in Document 1, from IG1 H(11) to R5B [xxxx] SYYY.
2. Amend Part 17, Schedules, by adding a new Schedule “YYY” as shown in Document 3.
3. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect as follows:
  - a. In Column II add the zone R5B [xxxx] SYYY
  - b. In Column V, add the following provisions:
    - i. The following provisions apply to an apartment dwelling, mid-high rise:
      1. Minimum lot width required is 18.4 metres.
      2. Minimum yard setbacks, building setbacks, and maximum building height are as per Schedule YYY.
      3. Minimum driveway and aisle width required is 6.0 metres.
      4. Despite Table 101, row R12, the minimum parking space rate is 0.4 per dwelling unit.
      5. Despite Section 101, a minimum of 6 spaces are required for visitor parking.
    - ii. 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.
4. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 112 Nelson Street and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

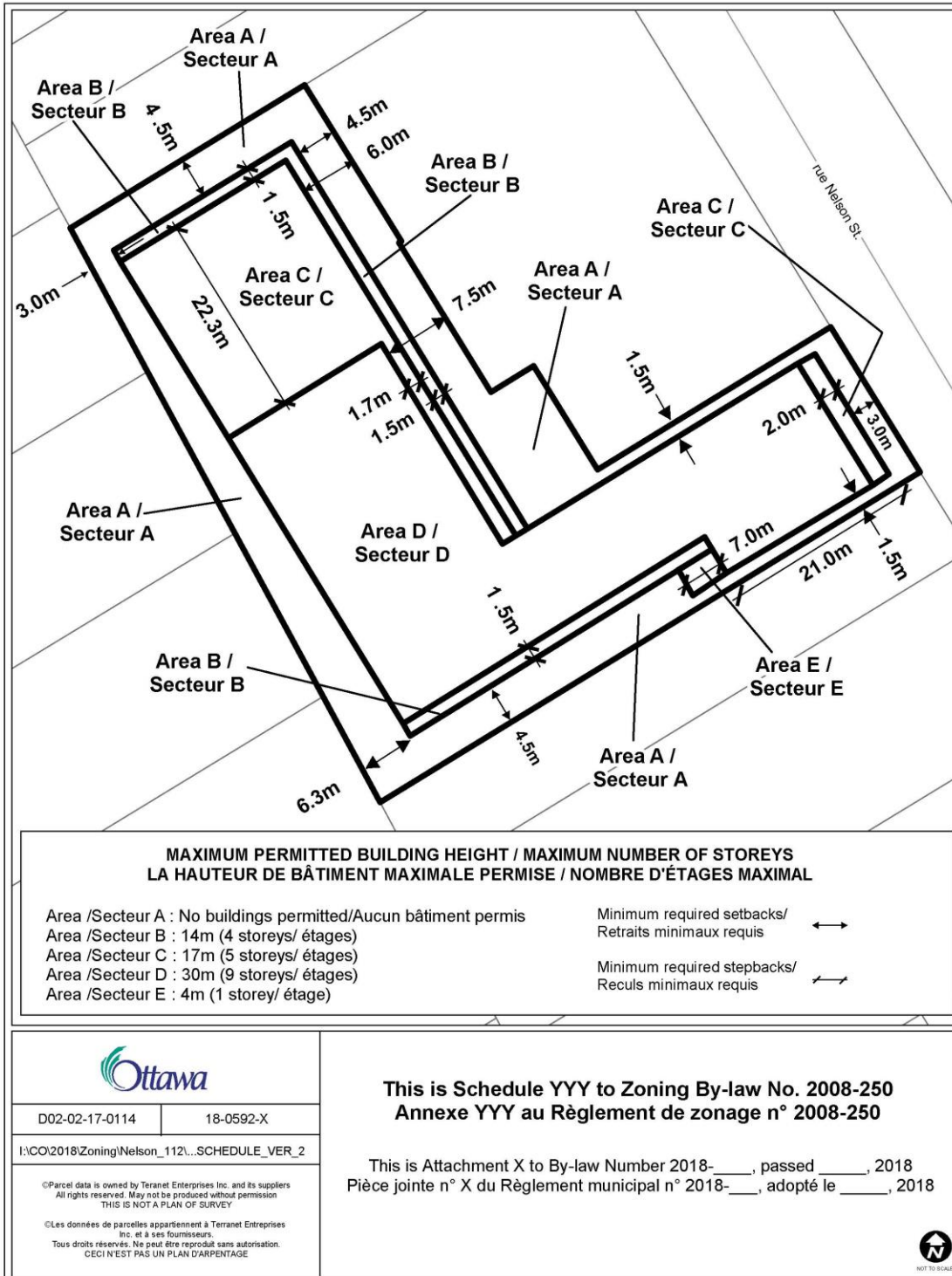
112 Nelson

1. The City shall require that the owner of the lands at 112 Nelson Street 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 \$300,000 to the City. The specific benefits to be secured and provided are:
  - a. An indexed contribution of \$300,000.00 towards a Ward 12 specific account for local area public use, traffic calming and/or park improvements, as determined by the Ward Councillor.
  - b. The public benefits to provided without a monetary contribution are:
    - i. At least ten percent (10%), of the total number of dwelling units, to be constructed in the building shall be provided as three-bedroom

units in compliance with the provisions of the Ontario Building Code.

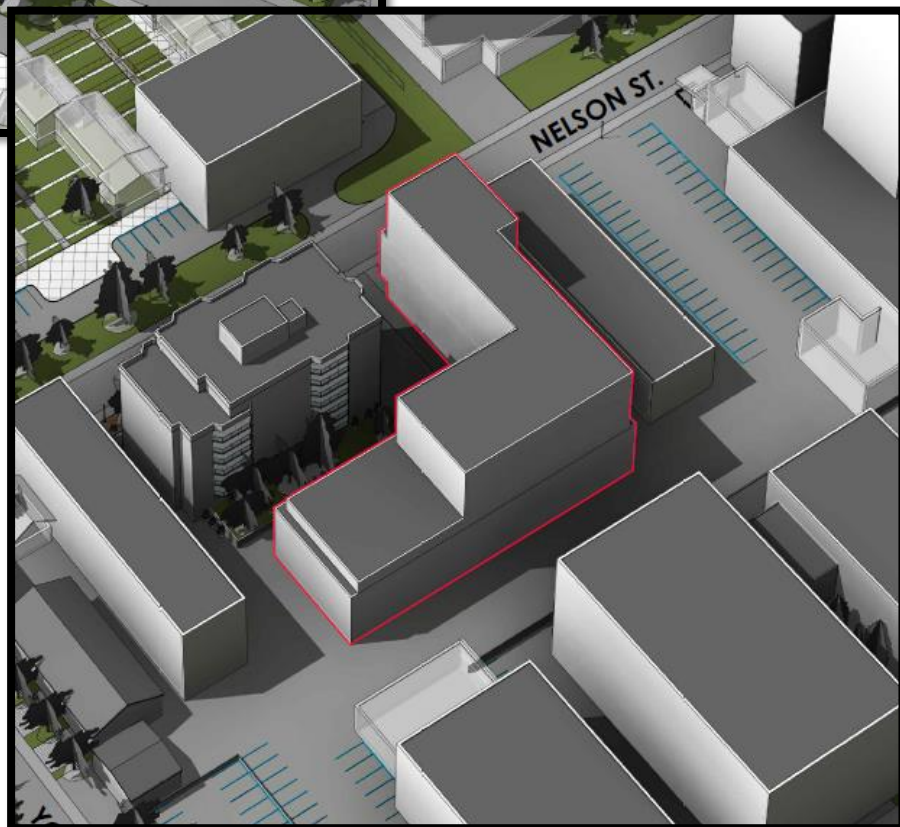
- ii. As part of the Site Plan Approval process, the Owner(s) shall provide a semi-public plaza (privately owned public space) at the front of the site between the ground floor wall and public sidewalk along Nelson Street, and the plaza space will be subject to a public surface easement, as a condition of Site Plan.
  - iii. The Owner shall enter into a separate agreement with the City of Ottawa (the "Affordable Housing Agreement") that will require 10% of the dwelling units to be Affordable. A housing provider determined by the City shall administer these units. "Affordable" shall be defined as dwelling units with starting rents at occupancy not exceeding 125% of the City Wide Average Market Rent (AMR) as determined by the Canada Mortgage Housing Corporation (CMHC) for a given year, subject to the provisions under the *Residential Tenancies Act, 2006*. The owner acknowledges and agrees that the Affordable Housing Agreement requires a period of affordability that shall not be less than 10 years and certain eligibility/selection requirements, determined by the City, for occupancy of said Affordable units. For further clarity, dwelling units required elsewhere in the S. 37 agreement are permitted to count towards required Affordable Units.
2. 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.
  3. The payment of Section 37 funds shall be provided prior to the issuance of the first building permit for the proposed development.

Document 3 – Schedule YYY





Massing Concept



## **Document 5 – Consultation Details**

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

During the application review process, an information session was organized on May 2, 2018 with residents from the apartment at 110 Nelson; approximately eight 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 residents, and staff attended the meeting to field questions on process and next steps.

Approximately 15 respondents commented on the proposal, with concerns expressed about built form and compatibility, traffic and parking, sun shadowing, and general impacts. The majority of the comments submitted on this application came from the residents of 110 Nelson Street.

## **PUBLIC COMMENTS AND RESPONSES**

The following summaries, in no particular order, provide a list of comment topics and items raised by members of the public in response to the application:

Built form and character

- “The Depot” and tiny building size deserves some commemoration.
- This block deserves better respect of the neighbourhood history, and provide community friendly building.
- Proposal has a lack of imagination.
- What separation is required for window openings? The proposed building is too close with units looking into each other.
- What are the unit size breakdowns and numbers of bedrooms? Who are the intended users of this building?
- Poor design that does not fit with community.



- Proposed proximity to lot line will cause damage to current and future development potential and profits. This will cause conflict between the two properties and uses. Concerned about noise and lose of privacy.
- Concerned about impact of future develop potential of surrounding property.
- I hope the developer sticks to their proposal for no more than nine storeys.
- Having access to sunlight is necessary and directly impacts health concerns, notably those tenants with Multiple Sclerosis.

Response:

The proposed development was revised during the review process of the application to provide a building mass that resulted in greater setbacks to the surrounding properties, and height was reduced towards the rear of the site to ensure a better relationship and compatibility. Window openings are subject to the Ontario Building Code and would be reviewed at the time of building permit. However, when an application for Site Plan Control is submitted, the design of the building will be more advanced to analyse items such as window locations. One of the main reasons for the reduced height at the rear of the site and increased setback was to ensure better sun shadowing results, especially in relationship to the outdoor amenity area of 110 Nelson Street. The development will include one-, two- and three-bedroom units. The full breakdown is to be determined, but a minimum of 10 per cent of the units are required to be three-bedroom units, and 10 per cent of the units are required to be affordable through an Affordable Housing Agreement.

Traffic and Parking

- Nelson Street is already busy with delivery trucks, which routinely hop the sidewalk in front of 112 Nelson and damage street signs, lighting posts, and trees. Traffic is an issue, and this development will worsen it.
- Adding that many residential units on Nelson Street will also adversely affect the local traffic which is already complicated around rush hour by people using Nelson and York as a short cut onto King Edward and by Loblaws delivery trucks using York Street despite no-truck signs.
- 66 underground spaces for 176 units is not enough. Public are not giving up their vehicles at that high rate yet. Would owners park on Nelson Street?

Response:

The applicant submitted a Transportation Impact Assessment in support of this application. The report for rezoning purposes was accepted as it demonstrated appropriate results with minimal impacts. However, the details and analysis will be updated for further review during the Site Plan process. The proposal has approximately 150 dwelling units, and the concept shows one level of underground parking with a mix of residential and visitor parking. While the parking was slightly reduced, it is important to note that the site location is served by quality public transit in an area that is walkable. Further, at least 10 per cent of the dwelling units will be affordable housing units, which typically do not have much tenant parking demand. Unit owners/renters with a vehicle are expected to park on site. Through Site Plan Control conditions, unit owners/renters will be notified that some units will not be provided parking.

General Comments

- Concerned about Birds. This appears to be migration area and all trees surrounding the perimeter of the site, especially on adjacent properties, need to be protected.
- The neighbourhood needs more social and emergency housing.
- Consider telecommunication issues. The French Theatre already causes disruption and a large building proposed will affect services to surrounding building.
- We live very close to the proposed site and any heavy construction will affect us adversely. Our home is over 100 years old and blasting shakes the foundation and produces cracks in our walls as we have already experienced during the construction of the large condo towers on Rideau in recent years.
- Construction involves heavy equipment on our street, which creates noise, more shaking of our foundations, danger to neighbourhood children, and traffic difficulties since our street is too narrow for large vehicles.

Response:

The street trees along Nelson Street are not impacted by the proposed development. At least 10 per cent of the dwelling units in this development are required to be affordable housing units. Construction activity must adhere to relevant City by-laws, including the Noise By-law, Traffic and Parking By-law and Encroachments on City Highways By-law. If issues are experienced during construction, a concerned citizen may contact 311 to

report non-compliance with the by-laws.

CCC396 submissions

- **Note:** Staff received correspondence from several interested parties associated with the subject site and Carleton Condominium Corporation 396 (CCC396), or tenants thereof, which expressed concerns about the rezoning applications and status of the property ownership.

Response:

The concerns raised were acknowledged and individuals were notified that the *Planning Act* allows anyone to make an application to rezone a property. The City will not comment on private litigation matters before the court and notes that such matters have no bearing on the application for rezoning or recommendations of this report.

## COMMUNITY ORGANIZATION COMMENTS AND RESPONSES

### Lowertown Community Association

*Note: Comments submitted in response to original submission.*

The Lowertown Community Association (LCA) offers the following comments on the proposed rezoning application for 112 Nelson Street in Lowertown Ottawa.

Based on the information provided by Domicile, the LCA is concerned by the massing and height that the rezoning application could enable at the particular site. While the site plan control information provided in support of the rezoning application demonstrates a serious consideration of the need for adequate setbacks, the LCA feels that the apartment building to the immediate north of the site would still be negatively impacted by shadow based on its proximity to the 112 Nelson property.

In conclusion, the LCA is supportive of a rezoning to residential but with some guarantee that the mass and height permitted on the property would be reduced from what is now being proposed.

Thank you for the opportunity to comment.

Response:

During the review process of this application, staff worked closely with the applicant to make improvements on the overall mass and built form relationships. As a result,

building height was reduced towards the rear of the site and greater setbacks were provided. The changes were made to ensure compatibility with the surrounding properties, as well as for addressing sun shadowing impacts on the abutting outdoor amenity area of 110 Nelson Street. The recommended Schedule YYY, as shown in Document 3, secures the minimum yard setbacks and building stepbacks, and maximum building height.