

**10. Zoning By-law Amendment – 65 Acacia Avenue**

**Modification au Règlement de zonage – 65, avenue Acacia**

**Committee recommendation**

**That Council approve a minor amendment to Zoning By-law 2008-250 for 65 Acacia Avenue to permit a four storey low-rise apartment building, as detailed in Document 2.**

**Recommandation du Comité**

**Que le Conseil approuve la modification mineure au *Règlement de zonage* n° 2008-250 visant le 65, avenue Acacia, afin de permettre l'aménagement d'un immeuble de faible hauteur comportant 4 étages, tel que le précise le document 2.**

**Documentation/Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 12, 2020 (ACS2020-PIE-PS-0076)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 12 août 2020 (ACS2020-PIE-PS-0076)

2. Extract of draft Minutes, Planning Committee, August 27, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 27 août 2020

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
27 August 2020 / 27 août 2020**

**and Council  
et au Conseil  
9 September 2020 / 9 septembre 2020**

**Submitted on 12 August 2020  
Soumis le 12 août 2020**

**Submitted by  
Soumis par:  
Douglas James**

**Acting Director / Directeur par intérim  
Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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**Ward: RIDEAU-ROCKCLIFFE (13)**

**File Number: ACS2020-PIE-PS-0076**

**SUBJECT: Zoning By-law Amendment – 65 Acacia Avenue**

**OBJET: Modification au Règlement de zonage – 65, avenue Acacia**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve a minor amendment to Zoning By-law 2008-250 for 65 Acacia Avenue to permit a four storey low-rise apartment building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of September 9, 2020" subject to submissions received between the publication of this report and the time of Council's decision.

## RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver la modification mineure au *Règlement de zonage* n° 2008-250 visant le 65, avenue Acacia, afin de permettre l'aménagement d'un immeuble de faible hauteur comportant 4 étages, tel que le précise le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 9 septembre 2020 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

## BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

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

### Site location

65 Acacia Avenue

### Owner - Applicant

Simon Saab and Jeff Abboud

## **Architect**

Susan Smith

## **Description of site and surroundings**

The site is located on the eastern border of the Lindenlea neighbourhood, outside of the Rockcliffe Park neighbourhood boundary. The lot is located on the western side of Acacia Avenue, across from the intersection of Acacia Avenue and Carsdale Avenue.

The property is currently occupied by a two-storey detached dwelling. To the north and west, the property abuts a three-storey, 12-unit low-rise apartment building. To the east, the property abuts Acacia Avenue, beyond which is a two-storey detached dwelling; and to the south, the property abuts a two-storey detached dwelling.

The application proposes to demolish the existing detached dwelling and construct a four-storey low-rise apartment dwelling with 12 dwelling units. One level of underground parking is proposed to contain six indoor bike parking stalls and seven vehicular parking spaces, with access from Acacia Avenue, as shown on Document 4.

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

The property is zoned R4P – Residential Fourth Density, Subzone P. The current zoning permits the use of a low-rise apartment; however the application is seeking site-specific relief on various zoning performance standards of the R4P zone to accommodate the proposed development:

1. To permit a reduced minimum front yard setback of 0.9 metres, whereas 2.5 is required;
2. To permit a reduced minimum interior side yard setback of 2.0 metres, whereas 2.5 is required;
3. To permit a reduced minimum rear yard area of 116.0 square metres, whereas 126.6 square metres is required;
4. To permit a reduced minimum rear yard setback of 4.6 metres, whereas 5.39 metres is required.
5. To permit a reduced rear yard amenity space of 102.0 square metres, whereas 120.0 square metres is required;

6. To permit a reduced parking garage drive isle of 5.4 metres wide, whereas a minimum of 6.0 metres is required.

### **Brief history of proposal**

An application for Site Plan Control (file D07-12-18-0023) was submitted in February 2018, prior to the application for the minor Zoning By-law amendment. Through this process an information session was organized by the applicant and consultant and held on November 18, 2018, at the Lindenlea Community Centre. As a result of this process, design revisions were made to the project as discussed in the Discussion Section below.

## **DISCUSSION**

### **Public consultation**

A public consultation session was held on October 21, 2019 that was attended by the Consulting Team, Community Association and the Ward Councillor. A previous meeting was held on November 18, 2018 at the Lindenlea Community Centre and was attended by the Ward Councillor and Community Association. Concerns were raised with respect to parking, materials, building height and compatibility. A summary of the comments received during the review period and a staff response are found in Document 3.

### **Official Plan**

The property is designated as General Urban Area in the City of Ottawa Official Plan (OP). The General Urban designation permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. The City is supportive of the establishment of a broad mix of uses in Ottawa's neighbourhoods; however, this is not meant to imply that all uses will be permitted everywhere within areas that are designated General Urban Area.

The Zoning By-law will continue to regulate the location, scale and type of land use in accordance with the provisions of this Plan. Within neighbourhoods, the Zoning By-law will allow those uses that provide for the local, everyday needs of the residents, including shopping, schools, recreation and services. Subject to the policies of the Official Plan, the City supports infill development and other intensification within the General Urban Area in a manner that enhances and complements the desirable

characteristics and ensures the long-term vitality of the many existing communities that make up the city.

### **Planning Rationale**

The proposed rezoning is consistent with Policy 3.6.1.1 of the General Urban Designation, which permits many types and densities of housing, as well as employment, retail, service, industrial, cultural and institutional uses. The proposed form of development is also consistent with the maximum building height for the designation, which permits up to four storeys. As well, the City supports intensification in the General Urban Area where it will compliment the existing pattern and scale of development and planned function of the area.

Policy 2.3.6.1.3 of the OP outlines that building height in the General Urban Area will continue to be predominantly low-rise which again the proposed form of development is consistent with. The OP further outlines that within this range, changes in building form, height and density will be evaluated based upon compatibility with the existing context and the planned function of the area. While it is acknowledged that there is relief being requested to certain performance standards, the application is not requesting any increase in the maximum permitted height. Overall, it is staff's opinion that the proposed development is a compatible form of development.

### **Built Form and Compatibility**

The application has been evaluated in accordance with the compatibility policies of Sections 2.5.1 and 4.11. Section 2.5.1 of the OP provides direction on urban design and compatibility. The policies of the Plan outline that compatible development includes development that is not necessarily the same as or similar to existing buildings in the area. Such development can enhance an established community through good design and innovation. The applicant has responded to the design considerations by ensuring that the new development respects the character of existing area and defining quality public and private spaces through development. Through the review of the application, the design of the project has been revised to address public concerns by reducing the building height, removing permitted projections, revising the materials, and increasing parking from four to seven spaces to create a development that is sensitive to area and responds to public feedback. The landscaping elements proposed along Acacia Avenue complement the immediate street character and the overall quality of development. The project has not introduced any front yard or surface parking, but rather utilizes below grade parking that is not visible from the street.

In addition to the Design Objectives noted above, the OP contains objective criteria within Section 4.11, Urban Design and Compatibility. Issues such as noise, light spillover, parking, access, and shadowing are considerations to be assessed when reviewing the potential impacts between existing and new development.

With respect to traffic and parking, the applicant is proposing seven parking spaces to be located within the site. The proposed parking spaces are in excess of By-law requirements which requires no parking for the tenants or visitors. Given the low number of vehicles on the site, the department does not anticipate that traffic and parking associated with the building will create any undue adverse impacts.

Design considerations with respect to light spill over will be addressed through the standard conditions or the Site Plan Control approval process. Potential shadowing and privacy concerns have been further mitigated with the removal of roof-top amenities and projections.

Policy 4.11.5 speaks further to the Compatibility of new buildings within their surroundings. As required, the proponent has demonstrated that the design of their building fits with the existing character and planned function of the surrounding area when considering items including but not limited to setbacks, height, transition, and façade and articulation.

With respect to the proposed building setbacks, given the curvature of the site, the front façade and setbacks have been revised to incorporate a series of movements along the elevation that reduces the overall impact of the building volume and returns areas for landscaping along the street edge. Much of the front façade complies with the required setback as shown on Documents 4 and 5; however, it is along two selected points of the front elevation that require relief, which in staff's opinion is minor. The proposed amendments to the interior side yard setbacks are also considered minor as the applicant is providing a 2.0-metre setback whereas 2.5 metres is required. The applicant has further revised portions of the westerly interior side yard to bring more of the elevation in compliance and create an improved separation from the neighbouring dwelling. Again, staff consider the requested amendment minor in nature. The rear yard setback reduction is considered minor as well, as the requested reduction is measured from the closest point to the property line where portions of the façade provide a greater setback. As shown on Document 4 the rear façade of the building is staggered with roughly two thirds of the setback being greater than the minimum 4.5 metres requested.

With respect to height, the proposed building is compliant with the current zoning standard and is not requesting any relief through this application. The applicant has also lowered the height of the building which is just under 13.0 metres whereas the by-law permits 14.5 metres. Revisions have also been made to the rooftop by removing a staircase and amenity space which are permitted as of right.

Regarding transition the building is proposing a step-back and material change above the third storey to reduce the visual impact of the building. The material palette of the project has also been revised to respond to staff and community comments by introducing more brick to the front façade which is consistent with building materials in the area.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2014 and 2020 Provincial Policy Statements.

### **RURAL IMPLICATIONS**

There are no Rural Implications associated with the recommendations of this report.

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

Councilor King provided the following comment:

“In 2018, residents of Lindenlea and Rockcliffe Park sent 67 letters of opposition to the planner at the time. Those letters were centered around key themes, all of which the developer addressed in March 2019 (the letter is available on Devapps as a public document).

- To address resident concerns that the building did not fit in with the neighbourhood, the developer redesigned the building with extra brick, less glass.
- To address resident concerns about the scale of the development, the developer removed the rooftop stairs, to reduce the impact of the fourth floor by using a lighter material colour.
- To address resident concerns about the height of the development, the developer increased the setbacks (side 1.5 to 2.0 metres, fourth floor back further to 2.5 metres).



- To address resident concerns about no new trees, the developer added new trees and additional shrubs.
- To address resident concerns about insufficient parking and congestion issues, they increased the size of the garage to allow for additional spaces (NOTE: by-law says zero spots are required for this area - the developers are providing seven).

Having met with the developers after assuming office, it was at my request that they hold a public meeting in Lindenlea to provide an update, given that it had been more than a year since the last meeting.

My office worked towards accommodating the concerns of the adjacent neighbour. After speaking with the property owner, I asked the developers to consider moving the building to the north (to increase the side yard setback). They took my concerns seriously and investigated it and they could not do it because there is a Bell easement on the north side.

The City has placed a condition on the site plan to ensure that the developers conduct a thorough pre- and post-construction survey with ongoing seismic and geotechnical surveys to monitor the adjacent neighbour's basement due to its proximity to the property to excavation operation. The developers have indicated they are willing to be in full compliance with this condition of site plan.

While there were questions from both the Lindenlea Community Association and the Rockcliffe Park Residents Association concerning the Mature Neighbourhood Overlay, the applicant made their Site Plan Control Application in February of 2018. The property at this time was outside of the Mature Neighbourhood boundaries. Council later adopted the expansion in June 2018. Whenever policy of this nature is brought into force there is typically a transition clause which allows applications that are already in progress to proceed under previous regulations. The City's legal department was asked for an official interpretation in this matter, given the amount of contention that this file has. The City's legal counsel was of the opinion that the Site Plan Application and eventual Zoning By-law amendment application both met the transition criteria.

A quick analysis by the planners indicated that the Mature Neighbourhood Overlay would have not made a meaningful difference because of the way the lot was configured. As a consequence, having reviewed this file I believe the development is in compliance with existing City policies.

I do concur with residents however that the next generation of land-use rules will need to consider the proximity of new developments near heritage conservation districts. My view is that in areas immediately adjacent to heritage districts, there must be careful, road-by-road consideration given to the streetscape. Locating a huge building next to a small historical home is not appropriate. Safeguarding our City's Heritage Conservation Districts by ensuring zoning makes the "proposed built form" appropriate for the street is one way that we can densify while concurrently protecting heritage. A good example would be mandating through zoning a gentle rise in the height of buildings away from the Heritage Conservation Districts along gateway streets leading into heritage areas."

### **LEGAL IMPLICATIONS**

Should the recommendations be adopted, and the resulting Zoning By-law be appealed to the Local Planning Appeal Tribunal, it is anticipated that a two-day hearing will result. It is anticipated that this hearing can be conducted within staff resources. In the event that the Zoning By-law application is refused, reasons must be provided. Should there be an appeal of the refusal, it would be necessary to retain an external planner.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the approval of the Zoning By-law amendment. In the event the Zoning By-law amendment is refused and appealed; an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

### **ACCESSIBILITY IMPACTS**

There are no accessibility implications associated with the proposed rezoning request.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following 2019-2022 Term of Council Priorities:

- Thriving Communities
- Economic Growth and Diversification

### **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-20-0001) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the additional time to resolve design matters.

### **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Proposed Site Plan

Document 5 Proposed Building Elevations

### **CONCLUSION**

The proposed minor Zoning By-law amendment addresses the Official Plan's policy directives toward more efficient use of City infrastructure, intensification through compatible design with the surrounding community character, and the provision for a range of housing choices in support of a diverse population. As well, the policies of the Official Plan, along with the specific zoning provisions recommended allow for a form that has mitigated the potential impacts upon adjacent properties and further achieves a complimentary infill development.

### **DISPOSITION**

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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


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

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


Document 1 – Location Map


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



	
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LOCATION MAP / PLAN DE LOCALISATION  
ZONING KEY PLAN / SCHEMA DE ZONAGE

 65 av. Acacia Ave.

  
N  
MAP 1000-X

## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 65 Acacia Avenue:

1. Rezone the lands shown in Document 1 from R4P to R4P [XXXX].
2. Add a new exception R4P [XXXX] to Section 239, Urban Exceptions, with provisions similar in effect to the following:
  - a) In Column II add the text R4P[XXXX]
  - b) Add in column V, Provisions, the text:
    - Minimum front yard setback: 0.9 metres
    - Minimum interior side yard setback: 2.0 metres
    - Minimum rear yard area: 116.0 square metres
    - Minimum rear yard setback: 4.6 metres
    - Minimum rear yard amenity area: 102.0 square metres
    - Minimum aisle width for a parking garage: 5.4 metres

### **Document 3 – Consultation Details**

#### Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. 25 comments were received during circulation process. A summary of the comments received, and a staff response is provided.

#### Public Comments and Responses

##### Comment:

Concerns were raised with respect to the size and scale of the development which does not fit in with the neighbourhood.

##### Response

Staff are satisfied that the proposed development standards, along with the revisions made to the project during the consultation period are an appropriate form of infill development. Staff note that given the grades of the site the proposed building height will appear exaggerated; however, the proposed building height will be below the maximum permitted height of the existing zoning.

##### Comment:

Concerns were raised with respect to the impacts on the streetscape.

##### Response:

Efforts have been made by the developer contribute to the streetscape with a sizable amount of soft landscaping, including an assortment of trees, shrubs and other plant material along the street frontage which is more in keeping with surrounding area.

##### Comment:

Concerns were raised that the reduced side yard setbacks would impact the abutting dwellings.

##### Response:

The easterly side yard abuts a garage, therefore there is no immediate impact to this abutting property, as seen in Document 5. The westerly interior side yard has been

further increased to 2.5 metres for approximately 50 per cent of the elevation to create further separation and accommodate an existing encroachment onto the subject property.

Comment:

Comments were raised that the project should meet or go beyond on-site parking requirements for both resident and visitors. Not providing parking will place additional pressure on street parking and surrounding streets.

Response:

The application has been revised to provide seven parking stalls onsite whereas the requirement is zero spaces for both tenant and visitor parking.

Comment:

Concerns were raised with respect to the proposed roof-top amenity space and the potential impact to neighbours.

Response:

The roof-top amenity space and projection elements have been removed from the project.

Comment:

Concerns were raised that the site is abutting the Rockcliffe Park Heritage Conservation District and that the proposal should respect the heritage attributes of Rockcliffe Park including generous spacing and setback, provision of trees/dominance of soft landscaping.

Response:

The proposed development is not located within the Rockcliffe Park Secondary Plan Area and requires no approvals under the *Ontario Heritage Act*. Details with respect to landscaping will be finalized during the Site Plan Control process. The materials submitted to date show generous soft landscaping along the frontage and public boulevard. Policy 2.6.3 of the Provincial Policy Statement states that:

“Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *sit*



*e alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.”

Staff notes that for the purposes of interpreting Policy 2.6.3, adjacent lands means those lands contiguous to a *protected heritage property* or otherwise defined in the Municipal Official Plan. The site is not continuous to the Rockcliffe Park Heritage Conservation District as it is separated by Acacia Avenue.

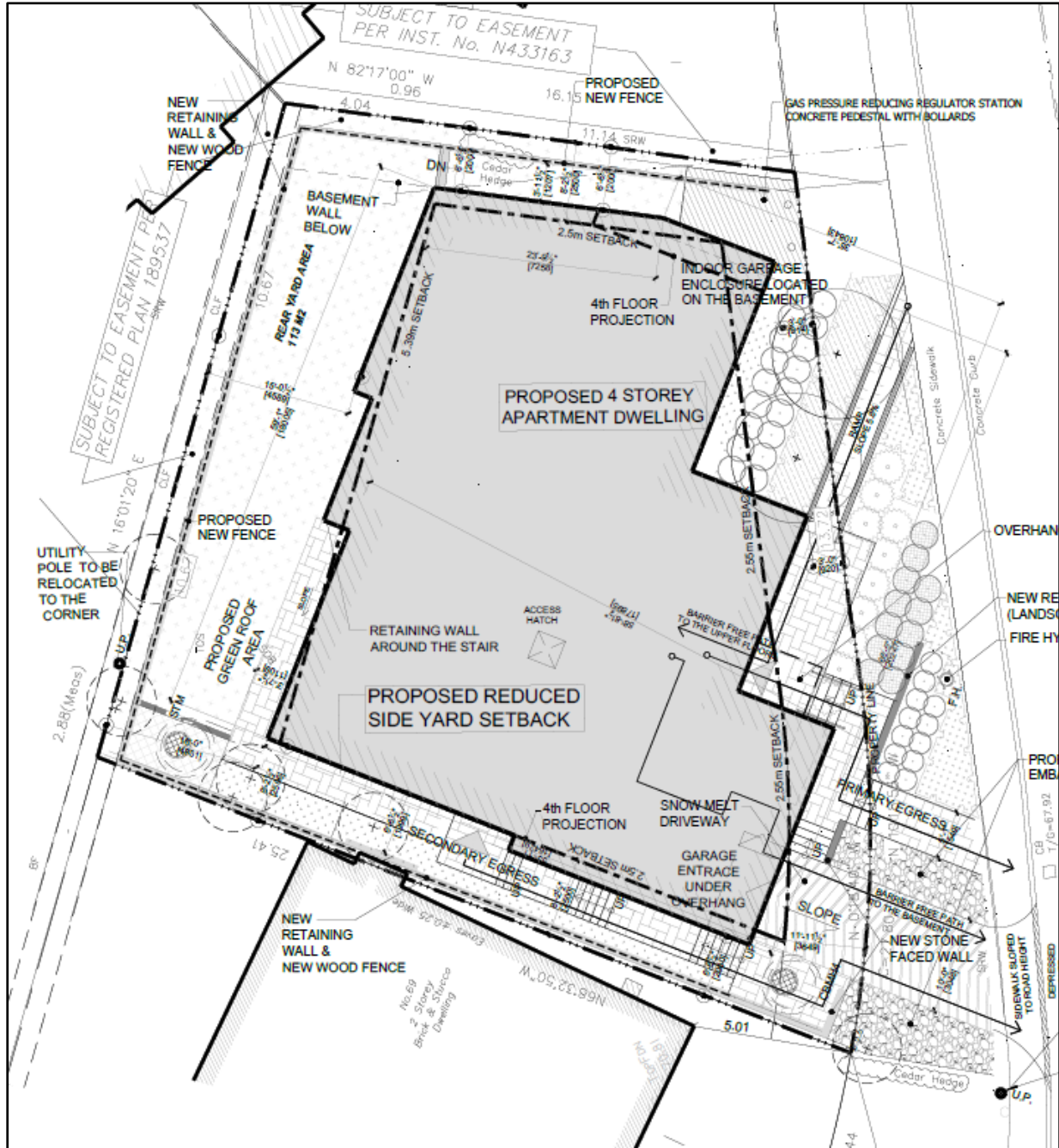
Comment:

Concerns were raised with respect to potential impacts on the abutting homes during construction.

Response:

Appropriate conditions will be placed in the site plan control approval report to address this concern which the ward office will review during that time.

Document 4 – Proposed Site Plan



Document 5 – Proposed Building Elevations

