

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
12 December 2019 / 12 décembre 2019**

**and Council / et au Conseil  
January 29, 2020 / 29 janvier 2020**

**Submitted on November 26, 2019  
Soumis le 26 novembre 2019**

**Submitted by  
Soumis par:  
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Director / Directrice**

**Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
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**Ward: RIVER (16) / RIVIÈRE (16)**

**File Number: ACS2019-PIE-PS-0128**

**SUBJECT: Zoning By-law Amendment – 966, 968 and 974 Fisher Avenue**

**OBJET: Modification du *Règlement de zonage* – 966, 968 et 974, avenue  
Fisher**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 966, 968 and 974 Fisher Avenue to rezone the properties from the R2F zone to an R4N zone with exceptions and an associated schedule (R4N [XXXX] SXXX) to permit two, three-storey low-rise apartment buildings, 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 January 29, 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 une modification au *Règlement de zonage 2008-250* visant les 966, 968 et 974, avenue Fisher afin de faire passer la désignation de zonage de ces propriétés de zone R2F à une zone R4N assortie d’exceptions et d’une annexe connexe (R4N [XXXX] SXXX) pour permettre l’aménagement de deux bâtiments résidentiels de faible hauteur (trois étages), comme 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 29 janvier 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

966, 968 and 974 Fisher Avenue

**Owner**

Toscano Land Corporation

**Applicant**

Jack Stirling and Peter Hume

**Architect**

David Blakely Architect Inc.

**Description of site and surroundings**

The site is located on the west side of Fisher Avenue across from the Experimental Farm. Carling Avenue is located three blocks to the north and Shillington Avenue is located one lot to the south. This segment of Fisher Avenue is predominantly comprised of small wartime bungalows. There is a two and a half-storey duplex closer to Carling Avenue where the houses are generally larger; and a mix of bungalows, two-storey detached, and semi-detached units to the west and south. The lands on the east side of Fisher Avenue are comprised of agricultural land and private internal roads as part of the Experimental Farm, which are buffered from Fisher Avenue by a substantial swath of mature trees.

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

The proposal is to allow for the use “low-rise apartment building” on the site. Future demolition and site plan applications will be required for permission to demolish the three existing detached dwellings and to construct the new development. The concept is for two, three-storey buildings, 9.37 metres in height, each with 19 rental units of mostly studios and one-bedroom, and each with access off of Fisher Avenue to underground parking for 13 vehicles. A total of 40 bicycle parking spaces will be provided interior and exterior to the buildings. Amenity space will be located in the rear yard which is to have sod and landscaping as well as a patio. Each building will have an internal garbage room with direct internal and external connections.

**DISCUSSION****Public consultation**

Public consultation meetings were held on December 5, 2017 and again on May 23, 2018 at the Alexander Community Centre. Approximately 20 people were in attendance

at the 2018 meeting – including Councillor Brockington, his assistant, neighbours and a representative from the Carlington Community Association.

Fifteen emails/comment forms were submitted with concerns of building height, precedence-setting, traffic, property values and density.

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

### **Official Plan designation**

The property is designated as “General Urban” according to Schedule B of the Official Plan. This designation permits a wide range of uses ranging from low to medium density residential uses as well as institutional and commercial uses.

### **Other applicable policies and guidelines**

There are no Secondary Plans or Community Design Plans that pertain to this area.

### **Planning rationale**

The proposal to rezone the property to allow higher density in the form of two three-storey low-rise apartment buildings aligns with the General Urban Policies of the Official Plan. The General Urban Area allows a broad range of uses, and buildings within this designation are intended to be predominantly low-rise. Intensification is supported, when it is in a suitable location, compatible with and sensitive to the existing context, which in this case, is detached dwellings predominantly one and two storeys. The subject proposal complies with these policies, in that Fisher Avenue is an arterial road, along the periphery of the neighbourhood and the proposed height is not quite 1.5 metres over the current maximum allowed height.

The land is currently zoned R2F which permits detached, duplex and semi-detached residential dwellings with a maximum height of eight metres. The requested zone is R4N [XXXX] SXXX to permit low-rise apartment buildings with a maximum height of 9.5 metres with several exceptions. The R4N zone is appropriate for this location due to the size of the amalgamated lots, their location along an arterial road which will keep additional traffic off the local streets, and the ability to develop the land for an appropriate, intensified development that is compatible with the neighbourhood.

The rear yard set back of 8.9 metres, along with a wooden privacy fence and opportunities for new trees and landscaping, which will be ensured through the site plan approval process, provide for a reasonable distance and buffer from the detached dwellings and associated private amenity spaces that back onto the site. The interior

side yard setbacks are proposed to be reduced from 3.0 metres to 1.8 and 1.4 metres on the north and south sides, respectively. The reduction is considered reasonable based on the existing context where a flanking blank wall is to the north and a driveway is to the south. A zoning scheduled has been prepared to clearly demonstrate the lot and building footprint. The buildings have been designed with brick and stone, in keeping with the neighbourhood context and are oriented to Fisher Avenue. Allowing apartment units of various sizes also provides an alternative housing type for those currently living or wanting to live in the area.

### **Provincial Policy Statement**

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

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

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

Councillor Brockington provided the following comments:

“I am generally supportive of this application.

While issues remain about expected lack of parking on site, and potential demand for on-site parking within the abutting residential community, the ability to enter and exit the site during rush hour when traffic on Fisher Avenue is backed up, the already at-capacity transit system at certain times of the day and proximity to abutting neighbours, I do appreciate that this project has gone through a number of revisions which have reduced the project in height and quantity of units. I appreciate that the applicant has listened and been open to some local suggestions.”

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the report recommendation.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

This proposal will be required to meet all Accessibility standards as outlined by AODA.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Healthy and Caring Communities
- Governance, Planning and Decision-Making

## **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 several modifications to the Site Plan that impacted the Zoning By-law amendment.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Zoning Schedule

Document 4 Consultation Details

Document 5 Draft Site Plan

Document 6 Draft Elevations

**CONCLUSION**

The Planning, Infrastructure and Economic Development Department supports this proposal as it locates compatible intensification along a periphery street, taking advantage of existing services and infrastructure which helps the City move towards its goals of sustainable development.

**DISPOSITION**

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; 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, 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.ca).



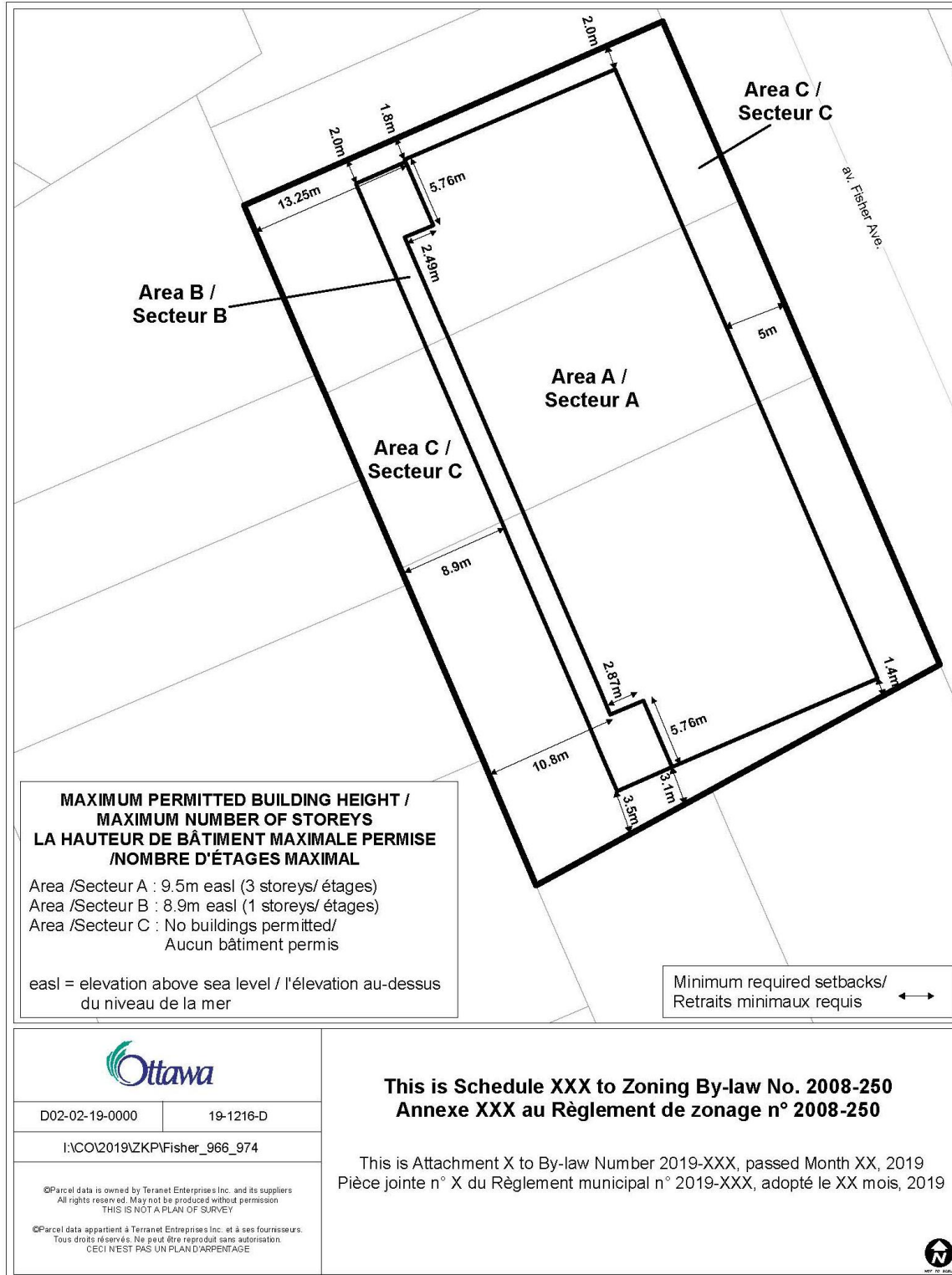


## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 966, 968, 974, Fisher Avenue:

1. Rezone the lands shown on Document 1 from R2F to R4N [XXXX] SXXX. All building setbacks and maximum building heights are as per the associated schedule.
2. Amend Section 239 – Urban Exceptions, by adding a new exception [XXXX], with provisions similar in effect to the following:
  - a. In column II add the text: R4N [XXXX] SXXXX
  - b. In column V add the following text:
    - i. A parapet may project a maximum of 1.0 metre above the permitted height.
3. Add Schedule SXXXX to Section 17

## Document 3 – Zoning Schedule



## **Document 4 – 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. Two public meetings were also held in the community.

### Public Comments and Responses

#### **1. Height of the originally proposed buildings are not appropriate**

Response: The height of the building has been reduced in height from the original proposal of four storeys (11.0 metres) to three storeys (9.37 metres) which is considered to be an acceptable height based on the location vis-à-vis the neighbouring properties that are currently permitted a height of 8.0 metres.

#### **2. Traffic is a concern**

Response: The City's Transportation Staff has reviewed the Transportation Impact Assessment and are satisfied that the road network can handle the additional traffic that is predicted for this development.

#### **3. Privacy Infringement**

Response: The second and third storey rear walls of the proposed buildings are located 10.0 metres from rear property line which is considered to be a generous setback for an urban development and exceeds most rear yard setback provisions in the Zoning By-law. The rear yard setback of 9.0 metres to the first storey of the proposal also exceeds many Zoning By-law provisions.

#### **4. Property Values**

Response: We are not aware of any scientific studies that prove that property values drop as a result of intensification/new developments.

#### **5. Precedent-Setting**

Response: Each planning application is reviewed based on their own merits.

#### **6. Lack of Parking for Residents and Visitors**

Response: Based on the City of Ottawa Zoning By-law, 13 tenant parking spaces and three visitor parking spaces are required for the full development. The applicant

is proposing 22 tenant parking spaces and four visitor parking spaces, which exceeds the requirement. The City is encouraging residents to reduce their reliance on private vehicles and to use sustainable means of transportation such as transit, cycling and walking.

## **7. Noise from H-Vac System**

Response: A noise study will be required during the future Site Plan Control phase of this proposal to ensure that adequate noise barriers are used so that the noise from the heating ventilation and air conditioning does not exceed provincial standards.

## **8. Inadequate Fence/Tree Buffer on western edge of property**

Response: These issues will be dealt with during the future Site Plan Control application.

## **9. Loss of View to the Experimental Farm**

Response: Views are not covered under the *Ontario Planning Act*, except for very specific views such as that of the Peace Tower and are therefore not able to be protected at the municipal level.

## **10. Is the existing, old infrastructure adequate for the growth? There are concerns because there is a high-water table.**

Response: City staff have reviewed the preliminary engineering information and have no concerns with this size/form of development moving forward. We will do a more detailed review at the Site Plan application stage.

## **11. Too many units – too dense**

Response: This is an intensification of the site and is considered an acceptable development based on its location on the periphery of the neighbourhood. The design of the site and building is in lines with the City's sustainability targets.

## **12. Environmental impacts as soft surface is replaced with hard surface and cars leaking oil.**

Response: There will continue to be a fair bit of soft landscaping at front and rear of the properties and the three current driveways and areas that have been paved for parking are being reduced to two driveways that lead to interior parking. Cars that leak oil/contaminants is a property standards issue.

### **13. More Garbage**

Response: Garbage will be stored inside and brought out for pick up, the same as it is currently.

### **14. The proposal doesn't match character of neighbourhood and is unreasonable. The Developer shouldn't develop at all costs and must consider quality of life of residents as per the Provincial Policy Statement (PPS).**

Response: The site and building have been designed to be compatible with the neighbourhood, as per S. 2.2 and 4.11 of the Official Plan, which is in keeping with the policies of the PPS. Exact details will be finalized and worked into the subsequent legal agreement once a Site Plan application has been submitted.

### **15. Neighbours don't like the rental aspect and the small units which likely means transient residents who don't respect their property.**

Response: The City is unable, as per provincial legislation, to zone properties based on tenure.

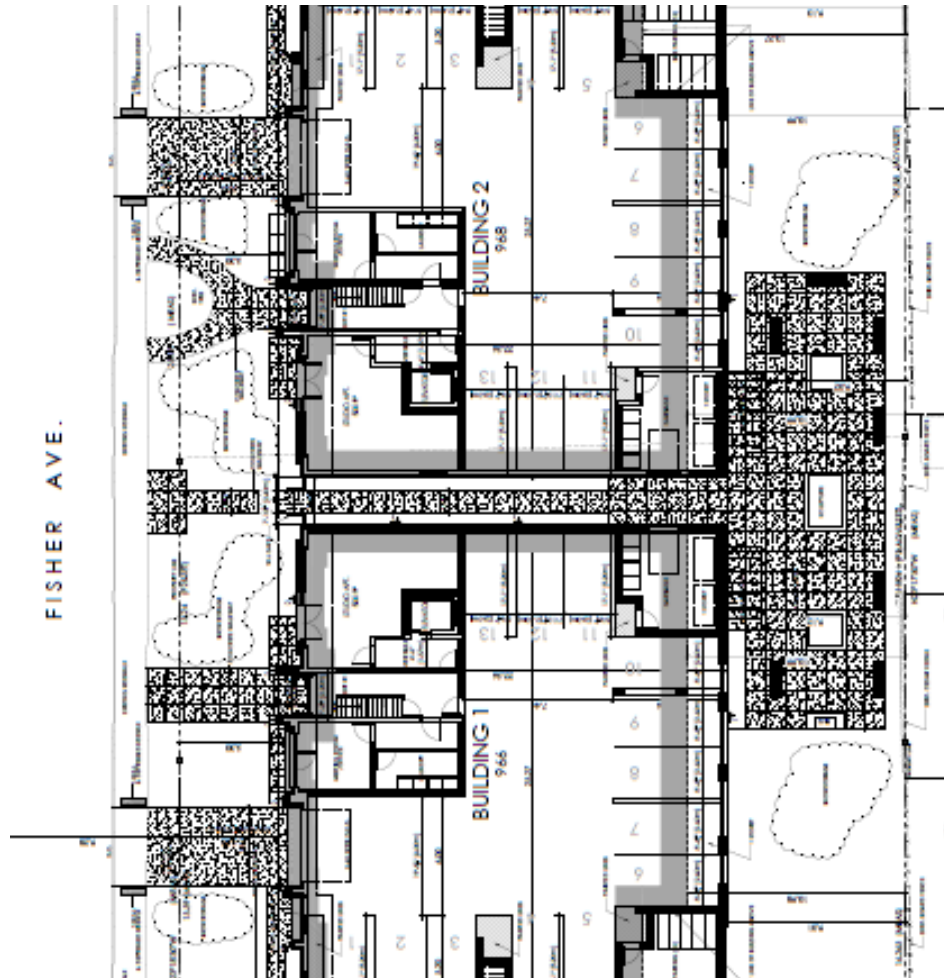
### **16. Don't spot-zone**

Response: The City is comfortable with the rezoning for this property. The developer has made changes as requested by staff and residents and staff believe the proposal is appropriate to the site.

### **17. The interior side yard of 1.4 metres is too close.**

Response: The interior side yard ranges from 1.4 metres to 3.77 metres along the northern and southern sides for the building that is proposed to be 9.37 metres in height. The minimum interior side yard dimension for a detached dwelling that could reach a maximum of 8.0 metres in height is 1.2 metres. It is assumed that the reduced interior side yard setback for the additional 1.37 metres in height will not be an undue burden on the abutting property to the north which is a newer two-storey dwelling with no windows on the facing wall, nor on the driveway that abuts the site to the south.

## Document 5 – Draft Site Plan



## Document 6 – Draft Elevations



**BUILDING 1 - STREET (EAST) ELEVATION**  
SCALE: 1:150

960/962



**BUILDING 2 - STREET (EAST) ELEVATION**  
SCALE: 1:150



BUILDING 1 - REAR (WEST) ELEVATION  
SCALE: 1:150



BUILDING 1 - NORTH ELEVATION  
SCALE: 1:150



BUILDING 2 - SOUTH ELEVATION  
SCALE: 1:150