

Report to/Rapport au :

Council / Conseil

August 24, 2012  
24 août 2012

Submitted by/Soumis par :

Planning Committee / Comité de l'urbanisme

Contact Person / Personne ressource: Katherine Hobbs, Councillor / Conseillère  
Quartier Kitchissippi Ward (15)  
(613) 580-2525

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KITCHISSIPPI (15)

Ref N°: ACS2012-CMR-PLC-0018

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**SUBJECT:** APPEAL WITHDRAWALS BY THE HINTONBURG COMMUNITY ASSOCIATION (HCA) TO WELLINGTON STREET WEST COMMUNITY DESIGN PLAN

**OBJET :** RETRAIT DE L'APPEL DE L'ASSOCIATION COMMUNAUTAIRE DE HINTONBURG CONCERNANT LE PLAN DE CONCEPTION COMMUNAUTAIRE DE LA RUE WELLINGTON OUEST

### **REPORT RECOMMENDATIONS**

**That Council approve:**

- 1. That By-law No. 2011-216, MC16 Subzone – Parkdale Park Subzone (16) be amended to add a new clause “(h)” as follows:**

**Minimum side yard setback of a building on properties located within Attachment 2, Area I, fronting onto Hinton Avenue and between Armstrong and Wellington Streets: 1.2m**

- 2. That all subsequent numbering following the insertion of the above new clause be appropriately renumbered; and,**

**BE IT FURTHER RESOLVED THAT pursuant to the *Planning Act*, subsection 34(17) no further notice be given.**

### **RECOMMANDATIONS DU RAPPORT**

**Que le Conseil approuve :**

1. Que le Règlement municipal n° 2011-216, portant sur la sous-zone MC16 – sous-zone du parc Parkdale (16), soit modifié par l’ajout du nouvel alinéa « h ) » qui suit :

Retrait minimal de cour latérale des bâtiments situés sur les propriétés de la zone I, annexe 2, donnant sur l’avenue Hinton entre les rues Armstrong et Wellington : 1,2 m

2. Que les éléments suivant l’insertion de ce nouvel alinéa soient renumérotés en conséquence; et,

**IL EST EN OUTRE RÉSOLU QUE, conformément au paragraphe 34(17) de la Loi sur l’aménagement du territoire, aucun autre avis ne soit donné.**

## BACKGROUND

*At the Planning Committee meeting of 23 August 2012, Committee agreed to a request from Councillor Katherine Hobbs for a suspension of the Rules of Procedure to allow for the consideration of the following Motion:*

**WHEREAS City of Ottawa Zoning By-law 2011-216 to implement the Wellington Street West Community Design Plan was appealed by the Hintonburg Community Association (HCA) on July 7, 2011; and**

**WHEREAS appeals to Zoning By-law 2011-216 will be heard by the Ontario Municipal Board (OMB) on October 15, 2012; and**

**WHEREAS the HCA wishes to withdraw a number of its appeals to Zoning By-law 2011-216, with an amendment to add a clause to Zoning By-law 2011-216; and**

**WHEREAS the City of Ottawa staff concur with the HCA and have developed wording to amend Zoning By-law 2011-216; and**

**WHEREAS adoption of the amendment to Zoning By-law 2011-216 and withdrawal of the HCA appeal would reduce the length the OMB hearing;**

**THEREFORE BE IT RESOLVED THAT Council approve the following:**

1. That By-law No. 2011-216, MC16 Subzone – Parkdale Park Subzone (16) be amended to add a new clause “(h)” as follows:

Minimum side yard setback of a building on properties located within Attachment 2, Area I, fronting onto Hinton Avenue and between Armstrong and Wellington Streets: 1.2m

- 2. That all subsequent numbering following the insertion of the above new clause be appropriately renumbered.**

**BE IT FURTHER RESOLVED THAT pursuant to the Planning Act, subsection 34(17) no further notice be given.**

#### DISCUSSION

The attached Memorandum from the General Manager, Planning and Growth Management Department dated 22 August 2012, attached as Document 1, explains.

#### RURAL IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

#### CONSULTATION

As noted within the attached memorandum from the General Manger, Planning and Growth Management Department (attached as Document 1).

#### COMMENTS BY THE WARD COUNCILLOR(S)

This report was initiated by Councillor Katherine Hobbs.

#### LEGAL IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

#### RISK MANAGEMENT IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

#### FINANCIAL IMPLICATIONS

There are no direct financial implications.

#### ACCESSIBILITY IMPACTS

Staff will be available at the Council meeting to respond to questions, as necessary.

ENVIRONMENTAL IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

TECHNOLOGY IMPLICATIONS

Staff will be available at the Council meeting to respond to questions, as necessary.

TERM OF COUNCIL PRIORITIES

Staff will be available at the Council meeting to respond to questions, as necessary.

SUPPORTING DOCUMENTATION

Memorandum from General Manager, Planning and Growth Management Department dated 22 August 2012, attached as Document 1.

DISPOSITION

Staff will implement Council's decision(s), as directed.



**MEMO / NOTE DE SERVICE**

To / Chair and Members of the Planning Committee  
 Destinataire  
 From / John L. Moser  
 Expéditeur General Manager  
 Planning and Growth Management

Subject / Objet Appeal withdrawals by the Date: August 22, 2012  
 Hintonburg Community  
 Association (HCA) to Wellington  
 Street West Community Design  
 Plan

This memorandum is to notify Planning Committee that the Hintonburg Community Association (HCA) proposes to withdraw some of its appeals to Zoning By-law 2011-216, implementing the Wellington Street West Community Design Plan, and that City staff accordingly recommend an amendment to By-law 2011-216. Councillor Hobbs will be moving a motion to this effect at Planning Committee tomorrow as set out in Appendix 4.

**Background**

The Wellington Street West Community Design Plan (CDP) and its implementing Zoning By-law 2011-216 and Official Plan Amendment (OPA) No.93 were reviewed and carried at the Planning Committee held April 26<sup>th</sup>, 2011, and subsequently approved by City Council in their entirety on May 25, 2011.

On July 7, 2011, the Hintonburg Community Association (HCA) filed a Notice of Appeal (Appendix 1) to By-law 2011-216 which establishes the zoning to carry out the vision of the CDP. (Note: The HCA also filed a Notice of Appeal to OPA 93, however, those appeals remain and are not the subject of the memo).

Subsequent to receipt of the appeals, City staff and members of the HCA met on September 16, 2011 and January 12, 2012 to discuss the appeals. Through those discussions and clarifications, as well as email correspondence, City Staff and the HCA were able to reach consensus and resolution on a number of zoning issues as adopted in By-law 2011-216.

The purpose of this memorandum is to allow Planning Committee and Council to give consideration to the attached Motion as it relates to appeals made by the HCA to By-law

2011-216. If approved by Council, those matters would be withdrawn by the HCA (Appendix 2) thereby reducing the duration of the Ontario Municipal Board (OMB) hearing scheduled to start on October 15, 2012.

The appeals of four other appellants remain outstanding. The Planning and Legal Departments will continue to pursue discussions with these four appellants for the purposes of possible OMB appeal resolutions in whole or part prior to the scheduled October 15, 2012 OMB hearing.

## **Discussion**

Staff wish to inform Planning Committee and Council that the HCA intend to withdraw their appeals to the following Areas, noted in 1-4 below (described in Appendix 3, as Attachments 2, 3 and 4):

1. *Area I on Attachment 2* (with respect to properties fronting on Hinton Avenue)
2. *Area D on Attachment 3* (with respect to the heritage designation of 1140 Wellington Street, a.k.a. the Bethany Hope Centre, under Part IV of the Ontario Heritage Act)
3. *Area K on Attachment 4* (with respect to the lots facing Armstrong Street)
4. *Area O on Attachment 4* (with respect to the lots facing Armstrong Street)

The HCA's withdrawal of the appeal to *Area I on Attachment 2* is contingent on approval of City modifications to By-law 2011-216. This will resolve their concerns and this appeal.

The Council approved MC16 (Mixed Use) subzone under By-law 2011-216 stipulated a side yard setback with no minimum, as per the parent MC Zone. The HCA is concerned that within this unique part of the Mixed Use zone the adoption of a 0m setback does not provide an adequate, orderly and reasonable transition from the existing mixed use built form to a more intense form as eventually envisaged in the area by the CDP. The HCA requested that a minimum side yard setback requirement be reinstated with a 1.2m minimum setback.

Staff understand the nature of the concern and believe that it is not unreasonable to reinstate a side yard setback regulation of 1.2m for the areas facing onto Hinton Avenue between Armstrong and Wellington Streets, in Area I on Attachment 2, as it maintains appropriate planning and design for further redevelopment. Properties with frontage onto Hamilton Avenue will retain the new MC16 subzone of 0m side yard setback to promote continuous frontage onto Hamilton Avenue and Parkdale Park.

Staff is recommending that Planning Committee and Council approve:

1. the attached motion (Appendix 4) recommending the approval of the amendment to the MC16 subzone in Zoning By-law 2011-216; and,
2. direct that the City Clerk and Legal Department request that the Ontario Municipal Board (OMB) approve By-law 2011-216 as modified by the amendment.

If you have any questions or comments, please do not hesitate to contact Taavi Siitam, Planner,

Community Planning and Urban Design, at extension 27788.

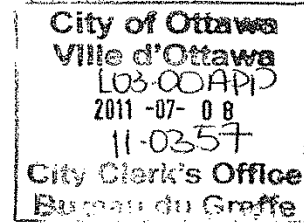
John L. Moser

cc: Nancy Schepers, Deputy City Manager  
Tim Marc, Senior Legal Counsel  
Richard Kilstrom, Manager, Policy Development and Urban Design  
Dana Collings, Program Manager, Community Planning and Urban Design  
Taavi Siitam, Planner, Community Planning and Urban Design  
Chris Zwierzchowski, Committee Coordinator

# HINTONBURG

COMMUNITY ASSOCIATION INC • ASSOCIATION COMMUNAUTAIRE INC  
1064 RUE WELLINGTON ST • OTTAWA, ONTARIO, K1Y 2Y3 • 613 798-7987  
[www.hintonburg.com](http://www.hintonburg.com)

City Clerk  
City of Ottawa  
110 Laurier Avenue West  
Ottawa Ontario K1P 1J1



July 7, 2011

RE: Notice of Appeal : By-law Number 2011-216

The Hintonburg Community Association, Inc. hereby appeals the following sections of By-Law 2011-216 for the reasons stated:

**(l) Area I on Attachment 2** (with respect to properties fronting on Hinton Avenue)  
The by-law does not carry forward the provisions of the earlier by-law that protect the unique character of this section of the Mixed-Use Centre.

**(r) Area B on Attachment 3** (with respect to 1157 Wellington Street) and

**(t) Area D on Attachment 3**

The by-law does not implement the Community Design Plan sections 3.6.3 and 3.6.4 that mandates protection of the existing front yard set-backs nor does it implement Official Plan Amendment Policy 11.3.4, in particular 11.3.4.4, 11.3.4.5, and 11.3.4.6.

**(aa) Area F on Attachment 4**

These properties form part of the residential neighbourhood at the rear of the TM zone and the present residential zoning should be retained. The proposal is inconsistent with overall policies, and with the treatment of the rest of Armstrong St in the study area.

**(ff) Area K on Attachment 4** (with respect to the lots facing Armstrong Street and

**(jj) Area O on Attachment 4** (with respect to the lots facing Armstrong Street)

The by-law does not provide appropriate height limits and performance standards for the rear part of these lots which form part of the residential neighbourhood at the rear of the TM zone. The proposed zoning is inconsistent with overall policies, and with the treatment of the rest of Armstrong St in the study area.

Please find enclosed a money order in the amount of \$125.00 and the Appellant Form prescribed by the Ontario Municipal Board.

Yours truly,

*Linda Hoad*

Linda Hoad  
Chair, Zoning Committee





COMMUNITY ASSOCIATION INC • ASSOCIATION COMMUNAUTAIRE INC  
 1064 RUE WELLINGTON ST • OTTAWA, ONTARIO, K1Y 2Y3 • 613 798-7987  
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August 16, 2012

Taavi Siitam  
 Planner  
 Planning and Growth Management Department  
 City of Ottawa  
 by e-mail

**OMB Case No.: PL110686**  
**OMB File No.: PL110687**

This is to confirm the status of our appeals related to the above files.

**Withdrawn:**

**The HCA agrees with the proposed modification below:**

**(l) Area I on Attachment 2** (with respect to properties fronting on Hinton Avenue)

**City would insert the following in new clause MC16 (h):**

**Minimum side yard setback of a building on properties located within Attachment 2, Area I fronting onto Hinton Avenue and between Armstrong and Wellington Streets: 1.2m**

**NOTE: Wording to be confirmed with By-law Writing.**

**(t) Area D on Attachment 3**

The Hintonburg Community Association is prepared to withdraw this appeal upon approval by City Council of the Draft Minutes of Settlement with respect to the Salvation Army's appeals.

**(ff) Area K on Attachment 4** (with respect to the lots facing Armstrong Street and

**(jj) Area O on Attachment 4** (with respect to the lots facing Armstrong Street)

**These appeals are withdrawn.**

**In Effect:**

**(r) Area B on Attachment 3** (with respect to **1153** Wellington Street)

Please note the corrected address for this appeal which remains in effect.

The by-law does not implement the Community Design Plan sections 3.6.3 and 3.6.4 that mandates protection of the existing front yard set-backs nor does it implement Official Plan Amendment Policy 11.3.4, in particular 11.3.4.4, 11.3.4.5, and 11.3.4.6.

**(aa) Area F on Attachment 4**

This appeal remains in effect for the properties at 152 Bayview and 4-8 Armstrong.

These properties form part of the residential neighbourhood at the rear of the TM zone and the present residential zoning should be retained. The proposal is inconsistent with overall policies, and with the treatment of the rest of Armstrong St. in the study area.

**OPA 93 appeals**

The HCA appeals relate to the Mixed Use Centre, in particular to the Tega Homes land and I am assuming that these appeals can be adjourned and heard with the other appeals relating to the same lands. Your advice on how to do this would be appreciated.

Yours sincerely,

Linda Hoad  
Co-chair, Zoning Committee

**TM11 Subzone – Wellington Street Subzone**

(11) In the TM11 Subzone:

- (a) maximum front yard setback: 3.0m,
- (b) despite 197(3)(g) - building height:
  - (i) the maximum building height is 20 metres,
  - (ii) for a building that is over 4 storeys in height that part of the building above the 3<sup>rd</sup> storey or above 12.0 metres has a minimum front yard setback of 2 metres,
- (c) parking spaces required or provided in the TM11 Subzone may be available for parking purposes to any land use located within the TM11 subzone and the MC16 Subzone.

5. Section 192 of By-law 2008-250 is amended by adding the following new Subzone:

**MC16 Subzone – Parkdale Park Subzone**

(16) In the MC16 Subzone:

- (a) the following uses are prohibited:
  - amusement centre
  - bar
  - multiple attached dwelling
  - nightclub
  - parking garage
  - parking lot
  - shelter
  - sports arena
- (b) for any lot that abuts Hinton Avenue the lot line abutting Hinton Avenue is deemed to be the front lot line,
- (c) the maximum building height for the blocks bounded by Spencer Street, Armstrong Street, Holland Avenue and Parkdale Avenue is 27 metres or 8 storeys whichever is less, except where a transfer of density occurs in Areas A, B and C on Schedule 128 as permitted in 192(16)(d) below,
- (d) Areas A and B on Schedule 128 are the only areas on Schedule 128 on which new development is permitted. The permitted floor space index at 7 Hinton Avenue is calculated including Area A and C and any development potential, based on the floor space index, of Area C may be transferred to Area A to the full extent of the permitted floor space index despite any maximum building height. If the maximum floor area permitted by the floor space index for the combined Areas A and C is not developed or proposed for

development on Area A, the unused maximum floor area for the combined Areas A and C may be transferred to Area B on Schedule 128, permitting additional density at 281 Armstrong until the floor space index of 7 Hinton has been fully exercised on either property, again, despite any maximum building height,

- (e) minimum ground floor setback from façade facing a public street: 2.0m
- (f) minimum building step back above the 3rd storey when building height is over 4 storeys: 2.0m,
- (g) minimum rear yard setback is 3.0 metres for storeys 1 to 3 of a building and 7.5 metres for storeys 4 to 8 of a building,
- (h) maximum gross floor area per unit of retail, retail food store, personal service business, restaurant, bar, convenience store, service and repair shop, small batch brewery: 200 m<sup>2</sup>,
- (i) maximum gross floor area per unit of office use on the ground floor only: 200m<sup>2</sup>, no maximum on any other floor,
- (j) clause 192(16)(e) does not apply to the property known municipally as 7 Hinton Avenue,
- (k) The following provisions apply to parking in the MC16 Subzone:
  - (i) parking spaces required or provided in the MC16 Subzone may be available for parking purposes to any land use located within the MC16 Subzone and the TM11 subzone,
  - (ii) uses of less than 150 square metres gross floor area that are located on the ground floor are not required to provide parking.
  - (iii) despite any requirements to the contrary, parking for a use required on one lot, may be located on another lot in the MC16 zone, but must be in the same city block, or on a lot on the opposite side of the public street on which the use requiring the parking is located.
- (l) Section 110 (Landscaping Provisions for Parking Lots) and Section 113 (Loading Space Rates and Provisions) do not apply,
- (m) for through lots, the lot lines abutting the street are considered a front lot line.

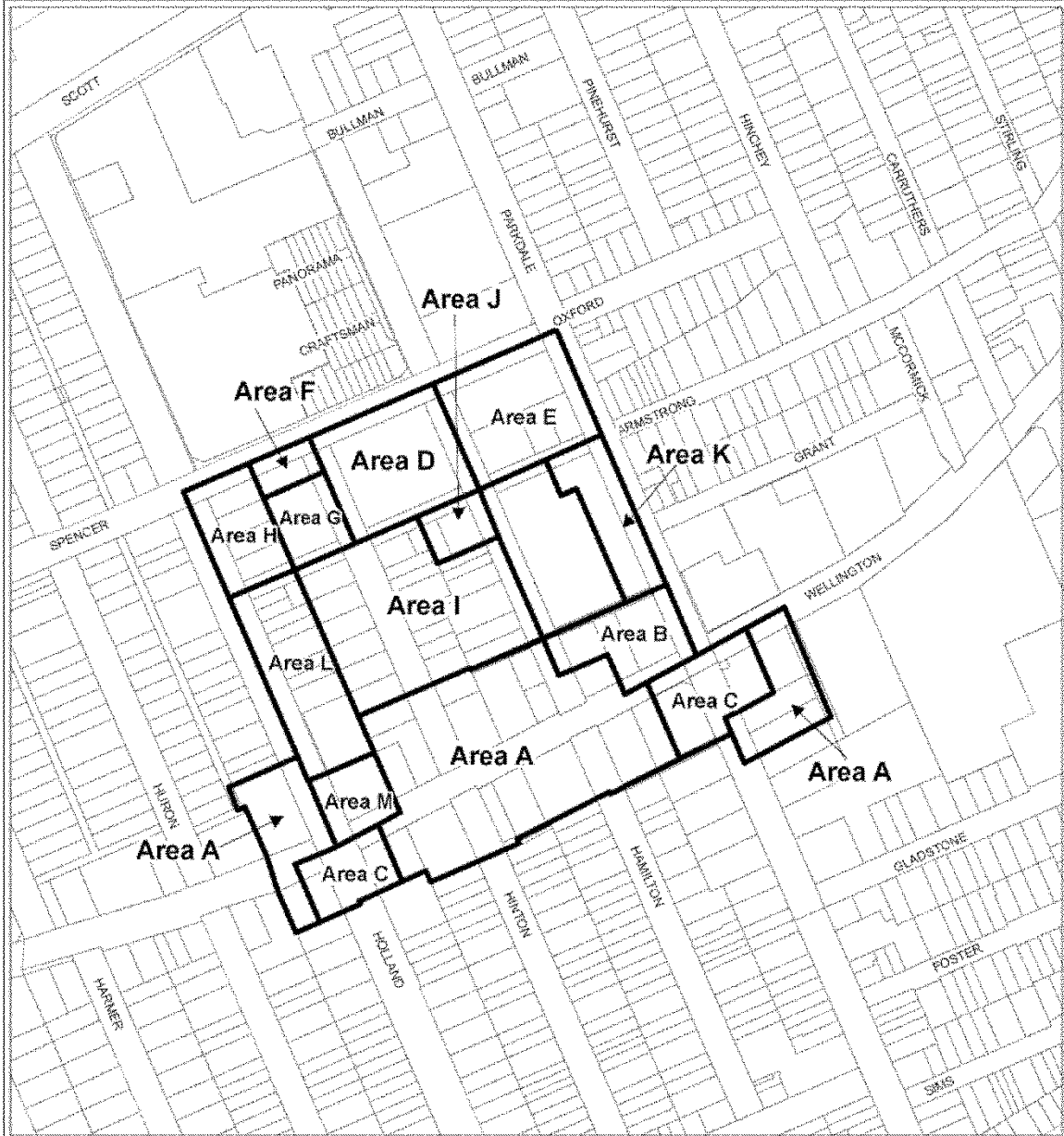
6. Part 17 - Schedules of By-law No. 2008-250 is amended by adding Attachment 5 to this by-law as Schedule 128.



7. By-law No. 2011-210 entitled "A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of lands within the Wellington West Community Design Plan area" is repealed.

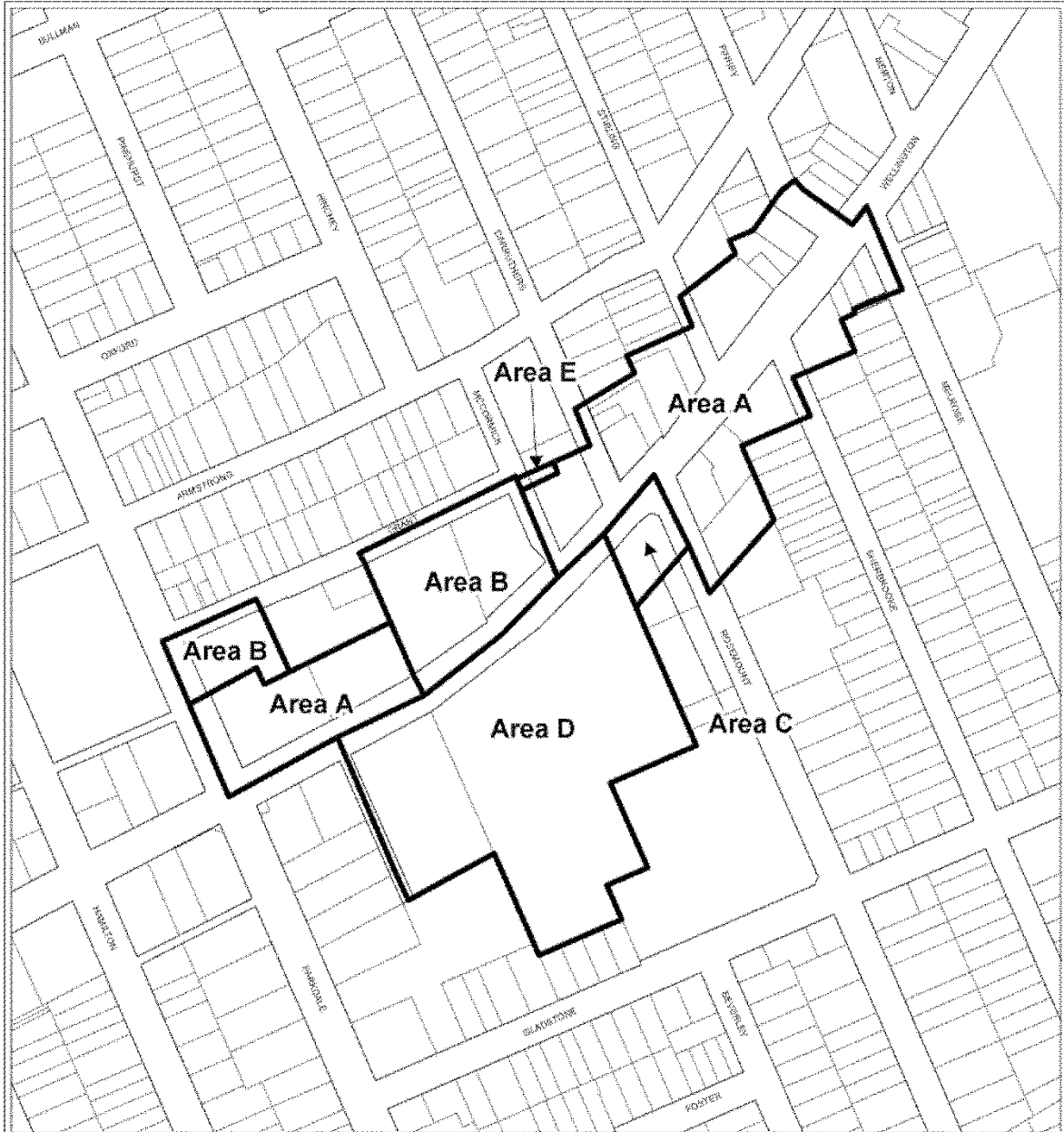
ENACTED AND PASSED this 8<sup>th</sup> day of June, 2011.



CITY CLERK

MAYOR





 <p>Produced by Infrastructure Services and Community Sustainability Produit par Services d'infrastructure et Viabilité des collectivités</p> <p>D02-02-09-0006   11-0875-X</p>	<p>This is Attachment 2 to By-law Number 2011-216, passed June 8, 2011</p> <p><b>Lands Affected by By-law</b></p>	<p>Échelle N.T.S. Mètres</p>
<p><b>Lands Affected Part of The Zoning Map of By-law No. 2008-250</b></p>	<p>Area A rezone from TM H(19) to TM11 Area B rezone from TM H(19) to TM11[1814] Area C rezone from TM H(19) to TM11[1815] Area D rezone from IL8[16] F(1.0) H(11) to MC16 F(6.4) S128 Area E rezone from IL8[104] F(2.0) H(13.5) to MC16 Area F rezone from IL8[104] F(1.0) H(13.5) to MC16 Area G rezone from IL8[104] F(1.0) H(13.5) to MC16 F(5.3) S128 Area H rezone from MC F(3.5) H(19) to MC16 F(20) Area I rezone from MC12[106] F(3.5) H(19) to MC16 H(20) Area J rezone from MC12[110] F(3.0) H(19) to MC16 H(20) Area K rezone from MC12[105] F(4.5) to L1[105] Area L rezone from MC F(3.5) H(19) to MC16 H(20) Area M rezone from TM[150] S142, S143 to TM11[150] S142, S143</p>	 <p>Scale N.T.S. Mètres</p>



 <p>Produced by Infrastructure Services and Community Sustainability Produit par Services d'infrastructure et Viabilité des collectivités</p> <p>D02-02-06-0006      11-0675</p> <p>M:\ZONING_BYLAW\BYLAWS\</p> <p><b>Lands Affected Part of The Zoning Map of By-law No. 2008-250</b></p>	<p>This is Attachment 3 to By-law Number 2011-216, passed June 8, 2011</p> <p><b>Lands Affected by By-law</b></p> <p>Area A rezone from TM H(19) to TM11                  Area B rezone from TM H(19) to TM11[1819]                  Area C rezone from TM H(19) to TM11[1820]                  Area D rezone from I2 F(1.5) to I2[1821]                  Area E rezone from TM to TM11</p> <p>040930013 Denotes Teranet-Polaris Parcel Identification Number</p>	<p>Échelle N.T.S. Mètres</p>  <p>Scale N.T.S. Metres</p>
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 Produced by Infrastructure Services and Community Sustainability Produit par Services d'Infrastructure et Viabilité des collectivités		This is Attachment 4 to By-law Number 2011-216, passed June 8, 2011 <b>Lands Affected by By-law</b>		Échelle N.T.S. Mètres    Scale N.T.S. Metres
D02-02-09-0006	11-0675	Area A rezone from TM H(19) to TM11 Area B rezone from GM1 to TM11 Area C rezone from GM1[32] F(3.0) to TM11[32] Area D rezone from GM[126] H(19) to TM11[126] Area E rezone from TM[126] H(15) to TM11[126] Area F rezone from R4T to TM11 Area G rezone from TM H(19) to TM11[406] Area H rezone from TM H(19) to TM11[635] Area I rezone from TM H(19) to TM11[1822] Area J rezone from TM H(19) to TM11[1823] Area K rezone from TM H(19) to TM11[1824] Area L rezone from L1 to O1 Area M rezone from TM[109] H(19) to TM11[109] Area N rezone from TM[109] H(19) to TM11[1824] Area O rezone from TM[124] H(19) to TM11[124]		
M:\ZONING_BYLAW\BYLAWS\  <b>Lands Affected Part of                  The Zoning Map                  of By-law No. 2008-250</b>		040830148 Denotes Teranet-Polaris Parcel Identification Number		



## City Council and Standing Committee Motion

## Conseil et comités permanents Motion

Moved by/ **COUNCILLOR K. HOBBS**  
Motion de:

### **RE: Appeal withdrawal by Hintonburg Community Association (HCA) to Wellington Street West Community Design Plan**

WHEREAS City of Ottawa Zoning By-law 2011-216 to implement the Wellington Street West Community Design Plan was appealed by the Hintonburg Community Association (HCA) on July 7, 2011; and

WHEREAS appeals to Zoning By-law 2011-216 will be heard by the Ontario Municipal Board (OMB) on October 15, 2012; and

WHEREAS the HCA wishes to withdraw a number of its appeals to Zoning By-law 2011-216, with an amendment to add a clause to Zoning By-law 2011-216; and

WHEREAS the City of Ottawa staff concur with the HCA and have developed wording to amend Zoning By-law 2011-216; and

WHEREAS adoption of the amendment to Zoning By-law 2011-216 and withdrawal of the HCA appeal would reduce the length the OMB hearing;

THEREFORE BE IT RESOLVED THAT Council approve the following:

1. That By-law No. 2011-216, MC16 Subzone – Parkdale Park Subzone (16) be amended to add a new clause “(h)” as follows:

**Minimum side yard setback of a building on properties located within  
Attachment 2, Area I, fronting onto Hinton Avenue and between  
Armstrong and Wellington Streets: 1.2m**

2. That all subsequent numbering following the insertion of the above new clause be appropriately renumbered.

BE IT FURTHER RESOLVED THAT pursuant to the *Planning Act*, subsection 34(17) no further notice be given.