

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
25 April 2019 / 25 avril 2019**

**and Council
et au Conseil
8 May 2019 / 8 mai 2019**

**Submitted on 10 April 2019
Soumis le 10 avril 2019**

**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**

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Ward: KITCHISSIPPI (15)

File Number: ACS2019-PIE-PS-0034

SUBJECT: Zoning By-law Amendment – 348 and 350 Winona Avenue

OBJET: Modification au Règlement de zonage – 348 et 350, avenue Winona

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 348 and 350 Winona Avenue to permit the reduction of select zoning performance standards in order to convert an**

existing three-unit dwelling into a four-unit low-rise apartment dwelling, 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 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 the *Planning Act* ‘Explanation Requirements’ at the City Council Meeting of May 8, 2019” 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 du *Règlement de zonage 2008-250* visant les 348 et 350, avenue Winona, en vue d’abaisser certaines normes de rendement de zonage qui permettraient la conversion d’un triplex existant en immeuble de faible hauteur de quatre logements, comme l’indique 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 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 de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 8 mai 2019 », 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

348 and 350 Winona Avenue

Owner

Falsetto Homes Inc.

Applicant

Novatech (Serene Shazadeh)

Architect

Miroca Design

Description of site and surroundings

The property is located on the west side of Winona Avenue, north of the Elmgrove Avenue intersection. The two properties, which had received consent to sever in 2018, are each occupied by a triplex that is under construction. Each lot has an area of 272.5 square metres, with 9.15 metres of frontage along Winona Avenue.

The properties are surrounded by low-rise residential uses, with Churchill Avenue North to the west and Richmond Road to the south, both of which include commercial uses.

Summary of requested Zoning By-law amendment proposal

The proposal seeks to add a fourth unit within the basement of each of the two existing three-unit dwellings. A Zoning By-law amendment is required in order to permit the following reductions to the zone standards:

- reduced interior side yard setback,
- reduced lot area,
- reduced lot width,
- reduced amenity area.

Staff are currently reviewing a Site Plan Control application for these properties, which is required for the addition of new dwelling units in excess of three.

Brief history of proposal

Committee of Adjustment applications for Consent (D08-02-17/A-00325 & D08-02-17/A-00326) and Minor Variance (D08-02-17/A-00325 & D08-02-17/A-00326) were granted in

early 2018, which facilitated the construction of the pair of three-unit dwellings. The relief required included a reduction in lot width from 12 metres to 9.14 metres and a reduction in lot area from 360 square metres to 272.5 square metres for both properties.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Eight individuals expressed interest in the proposal as a result of the notification process, offered comments, and wished to be kept informed. Most of the comments expressed concerns towards the proposal, stating traffic and parking pressures as the main issues, as well as a distrust of developers when incrementally requesting multiple approvals and reliefs.

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

Official Plan designation

The property is designated General Urban Area on Schedule B of the Official Plan, which permits a wide mix of different uses and densities.

Other applicable policies and guidelines

The property is located within the Richmond Road / Westboro Secondary Plan, however is not included into any of the Planning Area Sectors identified under Schedule A.

Urban Design Review Panel

The application was not subject to the Urban Design Review Panel.

Planning rationale

Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014, a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS,

2014 by accommodating for a mix of densities while efficiently using serviced land and resources in order to promote efficient land use and development patterns.

Official Plan

The property is designated General Urban Area on Schedule B of the Official Plan. The General Urban Area designation permits the development of a full range and choice of housing types, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This designation is meant to facilitate the development of complete and sustainable communities.

The proposal seeks to obtain reductions to some of the zone's performance standards in order to facilitate the conversion of two existing three-unit dwellings to four-unit low-rise apartment dwellings, which are quite common across the General Urban designation.

The Official Plan supports intensification throughout the urban area where there are opportunities to accommodate more housing and increase transit use, specifically through the conversion of existing residential buildings to create new dwelling units.

Richmond Road/Westboro Secondary Plan

The Richmond Road/Westboro Secondary Plan was adopted in 2009 to guide development of the area. While the site is included within the described boundary of the Plan, it is not included into any of the Planning Area Sectors identified under Schedule A. The site abuts properties to the west which are located within the Churchill Avenue planning area sector, and is in proximity to lands to the north which are located within the Scott Street and Westboro Transitway Station planning area sector.

Part of the Plan's vision and objective is to preserve the scale and character of existing neighbourhoods and ensure compatibility of new development, while also encouraging infill and intensification.

Staff are satisfied that the proposal is consistent with the Secondary Plan. While located outside of the two planning area sectors mentioned above, the site's proximity to the Scott Street and Westboro Transitway area and the Churchill Avenue area, both areas fostering mixed-use transit-oriented environments, further emphasizes the appropriateness of intensification at this location.

Zoning By-law 2008-250

The property is currently zoned R4G in Zoning By-law 2008-250. The R4G zone permits a wide mix of residential buildings, including three-unit dwellings and apartment dwellings, low-rise. The zone also seeks to regulate development in a manner that is compatible with the existing land use patterns so that the character of a neighbourhood is maintained or enhanced.

As identified above, Committee of Adjustment applications for Minor Variance were approved in early 2018 in order to obtain relief to the lot width and lot area of both properties for the construction of the two, three-unit dwellings currently on the site. The relief consisted of a reduced lot width of 9.14 metres, whereas the By-law requires a minimum lot width of 12 metres, and a reduced lot area of 272.5 square metres, whereas the By-law requires a minimum lot area of 360 square metres.

The Owner now seeks to add a fourth unit, located entirely within the basement of both existing three-unit dwellings, thus converting the dwellings to apartment, low rise. Although the zone's performance standards for lot width and lot area are identical for both a three-unit dwelling and an apartment dwelling, low rise, further relief is required in order to proceed with the conversion. The same relief requested at the Committee of Adjustment for lot area and lot width in the construction of the three-unit dwellings is being sought for the conversion of the dwellings to apartment, low rise, as detailed in Document 2 of this report.

The proposal also requires relief for the interior side yard setback. The By-law requires 1.5 metre side yard setbacks for any part of the building located within 21 metres of the front lot line, beyond which the side yard setback is 6 metres. The proposal requests a reduction in side yard setback to 1.2 metres on one side and 1.5 metres on the other side of each of the dwellings. This is consistent with the requirements for three-unit dwellings, which requires that the total interior side yard setback be 2.4 metres, with one minimum yard being no less than 1.2 metres wide.

Furthermore, the proposal also requests relief for the required amenity area. The Zoning By-law requires 15 square metres of amenity area per unit, which equals a total of 60 square metres per apartment dwelling, low rise. One of the dwellings provides 47.5 square metres and the other provides 50.5 square metres. In other words, instead of providing 15 square metres of amenity space per unit, the dwellings are providing 11.9 and 12.6 square metres of amenity space per unit.

In addition to private balcony space for the units on the top two floors, as well as some landscaped space located in the front yard, there are a number of parks located in

proximity to the subject site, one within 100 metres, which will aid in supplementing the amenity area provided at the rear of the property.

Potential impacts of development on a neighbourhood may be felt through design and massing impacts as well as intensification and density impacts. Given that the buildings will not be expanded or modified as a result of this conversion, and that many of the performance standards for apartment dwellings, low rise are identical to those for three-unit dwellings, the proposed conversion will not have any further impacts on the neighbourhood from a massing, streetscape or lot fabric perspective. Impacts related to intensification and increased density may be felt throughout the neighbourhood when a property being developed can no longer support the increased density through the provision of parking, amenity, etc. In this case, however, the potential for negative impacts of one additional unit per property on the immediate neighbourhood as it relates to intensification and increased density is rather limited considering the slight amenity space relief being sought, as well as the alternative amenities available to the future tenants of the buildings. Although one parking space is being provided for each of the dwellings, the Zoning By-law does not require any parking spaces for the first twelve units of an apartment dwelling, low rise.

Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for this site.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Leiper has provided the following comments:

“The application to normalize a fourth unit in the triplexes at 348 and 350 Winona is yet another example of the broken planning process that is undermining trust on the part of residents in the City’s processes, and should be rejected. However, as we will see, there is an alternative to the mistrust being generated by after-the-fact re-zonings. The triplexes in question were presented to the Committee of Adjustment as triplexes, and received approvals for reduced lot area and lot width. With those approvals, the units were constructed with a fourth unit. Many in the community consider that it was the developer’s intent from the beginning to undertake this re-zoning process. This is a pattern that we have seen multiple times as developers seek to avoid the site plan process by constructing triplexes, then converting them to low-rise apartment buildings at a later date. In order to get an occupancy permit for the fourth unit as a separate

dwelling unit, the developer now needs the re-zoning including further relief from the performance standards on amenity area. We have seen these approved previously by Council, but we have recently begun to see at least one developer endeavour to bring greater transparency to the process. For a nearby development on Elmgrove, the developer was up-front with the community and Committee of Adjustment from the start that their intent was to get approval for the variances needed to begin construction of the triplexes, avoid the cost and complexity of site plan, then return for zoning permission to occupy the fourth unit with relief from the performance standards. The developer has a high degree of confidence that Council will permit the re-zonings, though it is a roll of the dice. I am asking Council to help me send a strong message to developers that this up-front approach to building four-plex low-rise apartment buildings is far preferable to the current pattern. While there can be no guarantee that Council will approve or reject any given application, it is likely that applications to permit fourth-units will proceed in a more orderly fashion when the developers' intent is made clear up front. Rejecting this application may help developers in future to choose the smoother path.”

LEGAL IMPLICATIONS

There are no legal impediments 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

There are no accessibility impacts associated with this report. Any Ontario Building Code requirements for accessibility will be imposed at the building permit stage.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- EP2 – Support growth of local economy
- HC3 – Create new and affordable housing options

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Site Plan

CONCLUSION

The Planning, Infrastructure and Economic Development department supports the application and proposed Zoning By-law amendment. The proposal is consistent with the Official Plan policies for the General Urban Area as well as with the policies contained in the Richmond Road / Westboro Secondary Plan. The proposed zoning amendment is appropriate for the site and maintains policy objectives as it relates to intensification. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law amendment.

DISPOSITION

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.

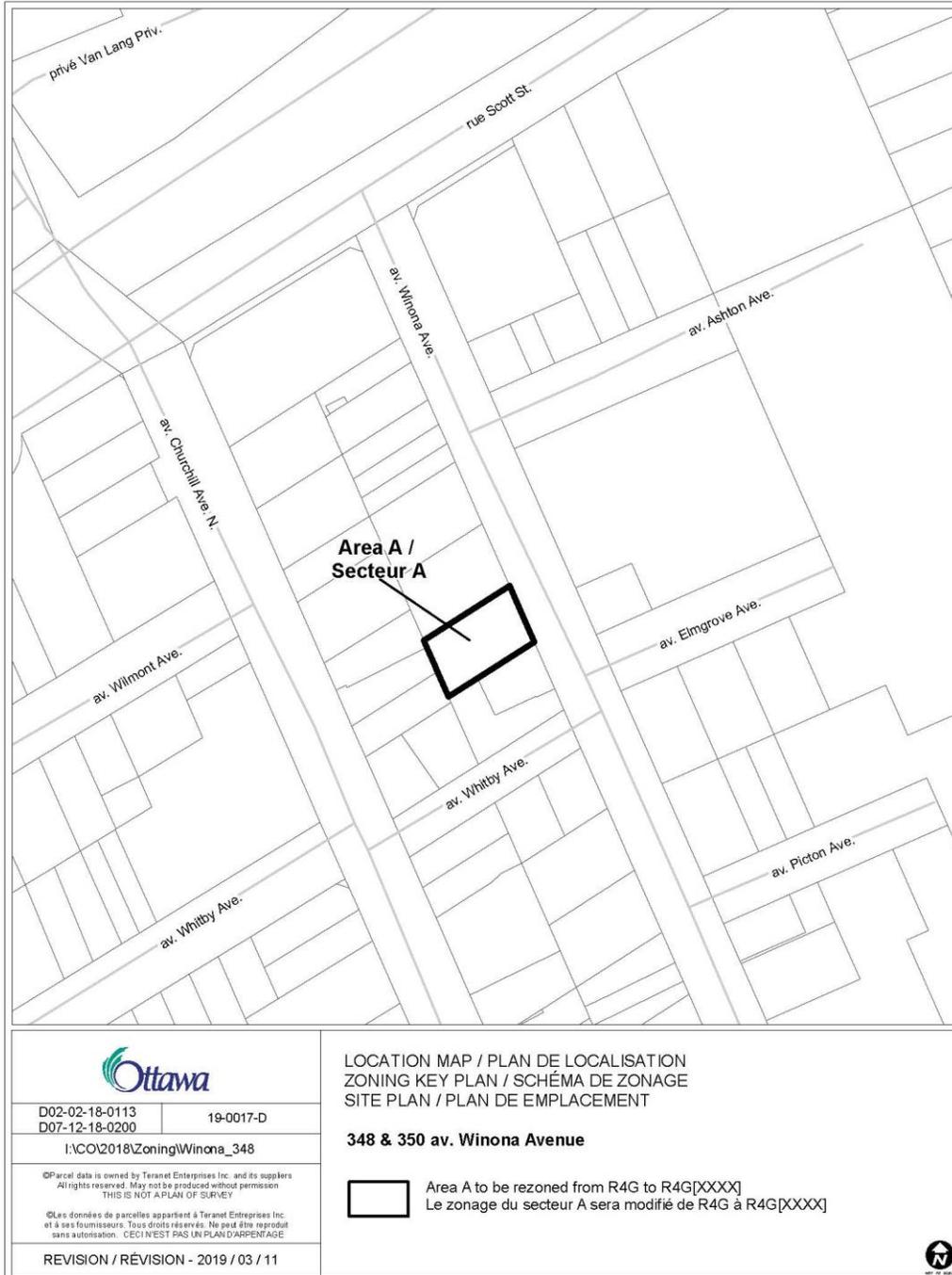
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

A map showing the location of the property in question, on the west side of Winona Avenue, north of the Whitby Avenue intersection.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 348 and 350 Winona Avenue:

1. Area A shown on Document 1 to be rezoned from R4G to R4G[xxxx]
2. Add a new exception, R4G[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
 - a. In Column II, Applicable Zoning, add the text, “R4G[xxxx];
 - b. In Column V, Provisions, add the following text:
 - i. “minimum lot area for an apartment dwelling, low rise: 272.5 square metres”
 - ii. “minimum lot width for an apartment dwelling, low rise: 9.0 metres”
 - iii. “minimum interior side yard setback for an apartment dwelling, low rise: total interior side yard setback is 2.7 metres, with one minimum yard being no less than 1.2 metres wide”
 - iv. “minimum amenity space requirement for an apartment dwelling, low rise: 11.5 square metres per dwelling unit, located at grade, in the rear yard, be landscaped, consist of 80% soft landscaping and abut the rear lot line”

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

Comment 1:

There are concerns with the developer's reckless and discourteous behavior during the construction of the two, three-unit dwellings, specifically as it relates to the illegal parking of construction vehicles having an impact on local traffic as well as leaving gaping holes in the street without barricades or other protection after hours and having an impact on overall safety in the neighbourhood. While I don't have concerns with intensification in my neighbourhood, the application should be denied on the basis that the developer has demonstrated a lack of respect towards the City and its residents.

Response 1:

Despite the concerns expressed by the neighbours, the *Planning Act* does not allow staff to make Planning recommendations based on these types of infractions and behaviors.

Comment 2:

Such Zoning By-law amendments brings more residents to our areas, which puts a strain on existing infrastructure.

Response 2:

Province-wide policies encourage cities to support intensification in areas where services and infrastructure already exists. Any improvements to infrastructure resulting from the needs of this proposal would be the responsibility of the applicant.

Comment 3:

There currently exists parking and traffic pressures in the neighbourhood, which will get worse as a result of this proposal. The lack of sidewalks in some areas and new signalized intersections in others contribute to speed concerns, which have a negative impact on the safety of children, young families and senior citizens in the area.

Response 3:

One parking space is being provided for each building of four units whereas the Zoning By-law does not require any parking spaces for buildings up to 12 units in this area. This proposal is not expected to negatively impact the traffic and parking issues in the neighbourhood. Unfortunately, issues related to sidewalk connectivity and signalized intersections within the area are external to this specific application.

Comment 4:

It is curious that the developer would first obtain approval on one proposal, only to come back later to obtain further relief in order to build something else.

Response 4:

Staff do not recommend or support such an approach however, regardless of the avenue taken by the owner in order to get to this stage of development, staff must evaluate the proposal with objectivity and determine if what is being proposed is appropriate for its location and the neighbourhood and complies with City policies.

Comment 5:

It is great to see that my neighbourhood is expanding and that developers are doing their best to bring more people and families to the area.

