

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
10 September 2020 / 10 septembre 2020**

**and Council
et au Conseil
23 September 2020 / 23 septembre 2020**

**Submitted on 27 August 2020
Soumis le 27 août 2020**

**Submitted by
Soumis par:
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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: CAPITAL (17) / CAPITALE (17) File Number: ACS2020-PIE-PS-0085

SUBJECT: Zoning By-law Amendment – 360 Deschâtelets Avenue

OBJET: Modification au *Règlement de zonage* – 360, avenue Deschâtelets

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 360 Deschâtelets Avenue to facilitate the**

construction of a nine-storey, 85-unit apartment dwelling, mid-rise, 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 23, 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 du *Règlement de zonage (2008-250)* visant le 360, avenue Deschâtelets pour faciliter l’aménagement d’un immeuble d’appartements de faible hauteur comportant neuf étages et 85 logements, comme l’explique 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 23 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

360 Deschâtelets Avenue

Owner

The Regional Group

Applicant

Evan Garfinkel

Architect

Hobin Architecture

Description of site and surroundings

The subject property is located at the southeast of the intersection of Deschâtelets Avenue and Hazel Street in the Greystone Village subdivision in Old Ottawa East. The site has 68.07 metres of frontage on Deschâtelets Avenue and a lot area of 1,806.7 square metres.

The property is part of Greystone Village, which is comprised of existing and planned commercial, residential, institutional, and open space uses. Lands to the east of the subject property are slated for future developments. To the south-east is the site of a new nine-storey condominium building. To the south-west is a 7,000 square metre existing parking lot owned by St. Paul's University. To the north-west is Hazel Street and a parcel owned by St. Paul's University.

Summary of requested Zoning By-law amendment proposal

The property is currently zoned R5B[2309] (residential fifth density zone, Subzone B, Urban Exception 2309), which permits residential uses up to apartment dwelling, high rise. The site-specific exception states that the lot line along Deschâtelets Avenue is the front property line, and also establishes a minimum rear yard setback of 3.0 metres and a maximum building height of 32.0 metres.

The existing provisions contained under Exception 2309 will remain. The proposal seeks the following reliefs:

- Minimum interior side yard setback: 3.0 metres, whereas the by-law requires the side yard setback to be 6.0 metres when located further than 21.0 metres from the property line.
- A rooftop washroom area, with a maximum floor area of 10.0 square metres, is to be considered a permitted projection above the height limit up to a height of

4.9 metres above the building's maximum permitted height.

The proposal is currently undergoing Site Plan Control development review under file number D07-12-20-0016.

Brief history of proposal

The Subdivision Agreement (D07-16-15-0001) which created the lot, was registered in May 2017. The Zoning By-law amendment (D02-02-15-0004) which established the zoning for various properties in the area, was approved by Council in December of 2015.

DISCUSSION

Public consultation

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. Four correspondences were received in relation to the proposed Zoning By-law amendment, expressing concerns with height of the proposed building as well as with the provision of affordable housing.

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

Official Plan designation

According to schedule B of the Official Plan, the property is designated General Urban Area, which permits a variety of residential and non-residential uses that will help facilitate the development of complete and sustainable communities.

Other applicable policies and guidelines

According to Schedule A of the Old Ottawa East Secondary Plan, the property is designated Mixed-Use, Medium-Rise, which encourages a diverse mix of uses that contributes to the overall self-sufficiency and sustainability of Old Ottawa East.

Heritage

There are no Heritage implications associated with this report.

Urban Design Review Panel

This application was not subject to the Urban Design Review Panel process.

Planning rationale

Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS) of 2014 and 2020, 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 of 2014 and 2020 by promoting the efficient development of existing land use patterns and sustaining healthy, liveable and safe communities.

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 relief from the zone's performance standards for side yard setbacks and from the Zoning By-law's provisions related to projections above the height limit. Otherwise, the proposed mid rise apartment dwelling meets the policies included in the General Urban Areas relating to the type of density and housing being proposed. Staff are of the opinion that the proposal is in line with Official Plan policies.

Old Ottawa East Secondary Plan

The property is designated Mixed-Use, Medium-Rise on Schedule A – Land Use in the Old Ottawa East Secondary Plan. The designation encourages a diverse mix of uses that contributes to the overall self-sufficiency and sustainability of Old Ottawa East. Seeing as the Secondary Plan considers buildings up to 9 storeys in height as medium-rise buildings, the proposal remains in line with the policies of the Secondary Plan.

Zoning By-law 2008-250

The property is currently zoned R5B[2309] (residential fifth density zone, subzone B, urban Exception 2309). The R5B zone permits residential uses in densities ranging up to apartment dwelling, high rise. The site-specific exception states that the lot line along Deschâtelets Avenue is the front property line, and also establishes a minimum rear yard setback of 3.0 metres and a maximum building height of 32.0 metres.

The Zoning By-law requires a side-yard setback of 6.0 metres for any part of a building that is further than 21.0 metres from the front property line. Otherwise, the side yard setback can be 1.5 metres. Due to the odd shape of the lot, the applicant has requested that the setback to interior side lot lines be 3.0 metres. Seeing as the previous Zoning By-law amendment (D02-02-15-0004) had created a site-specific exception reducing the rear-yard setback to 3.0 metres, and that the inclusion of a reduced side yard setback was most likely an oversight at the time, staff are confident that the requested relief is in line with the intent of the previous rezoning.

The application also seeks to permit a washroom to be included as a permitted projection above the height limit under Section 64. This section allows for landscaped areas, roof-top gardens, terraces, mechanical equipment, and service equipment as projections above the height limit. The amendment seeks to allow for a universal washroom to be included as a permitted projection. The purpose of permitting the projections would make the space more usable. Further, the access to running water could allow residents who are interested in gardening the ability to water plants and allows future rooftop gardens to flourish. The washroom would also allow residents utilizing the amenity area access to a washroom without having to re-enter the building. The structures identified under Section 64 of the Zoning By-law are ones that may require a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely. It is to be noted that similar exceptions to Section 64 have been granted by Council on other buildings in the area. Seeing as that the inclusion of the washroom will not have the effect of increasing the overall massing of what would otherwise be included as a projection (mechanical equipment, rooftop garden access structures and storage area, etc.) and that a maximum height and area for the washroom facility are included in the details of zoning, staff are confident that the request meets the intent of Section 64 of the Zoning By-law.

Exception 2309 currently includes three provisions, as stated above. The proposed details of zoning in Section 2 carry these provisions forward and propose to include the two requested provisions discussed above.

Considering the above, staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for this site.

The Ward Councillor's comments on this report refer to a \$500,000.00 commitment to the Ward 17 affordable housing funds. Such contributions are not within the purview of Planning Staff as they are not requirements under the *Planning Act*.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Shawn Menard provided the following comment

"The developer has had an ongoing promise with the community to provide affordable housing units. Since that time, the developer has indicated they would commit \$500,000. The donation that has been promised would be tied to this building approval and site plan."

LEGAL IMPLICATIONS

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

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

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:

- Thriving Communities
- Sustainable Infrastructure

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-20-0014) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of some items associated with the Site Plan Control application.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

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 complete and sustainable communities in the General Urban Area, as well as the policies included in the Secondary Plan. The proposed Zoning By-law amendment is appropriate for the site and maintains policy objectives. 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, 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.

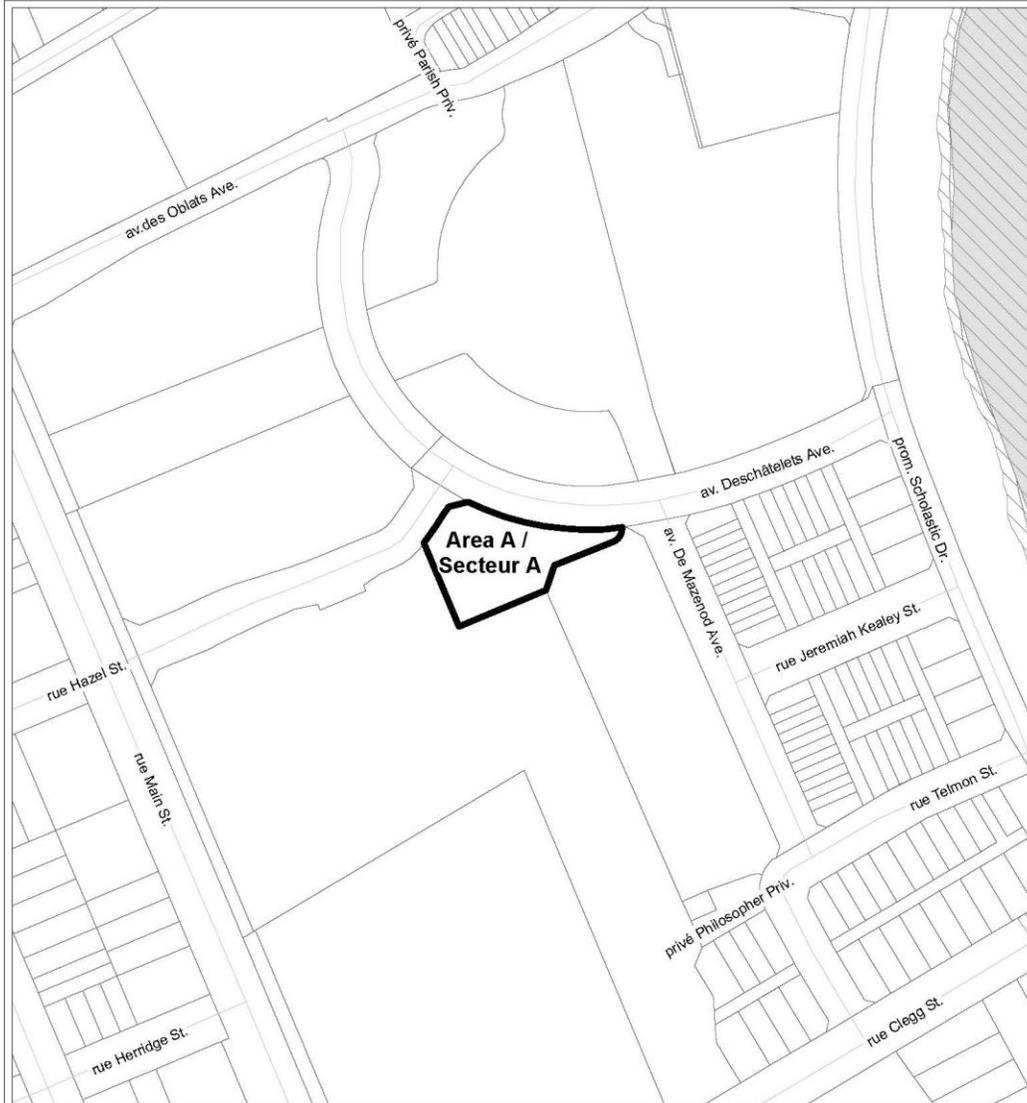
Legal Services, Innovative Client Services Department, to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

A map showing the location of the subject property at the intersection of Deschâtelets Avenue and Hazel Street.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
360 av. Deschatelets Avenue		Area A to be rezoned from R5B[2309] to R5B[XXXX] Le zonage du secteur A sera modifié de R5B[2309] à R5B[XXXX]	
D02-02-20-0014 20-0214-D		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
I:\CO\2020\Zoning\Deschatelets_360		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>©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>			
<small>©Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>		<small>REV 19 2019</small>	
REVISION / RÉVISION - 2020 / 08 / 12			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 360 Deschâtelets Avenue:

1. Rezone the lands from R5B[2309] to R5B[xxxx], as shown in Document 1.
2. Add Exception R5B[xxxx] in Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
 - a. In Column II, Applicable Zoning, add the text “R5B[xxxx]”
 - b. In Column V, Provisions, add the following text:
 - i. “the front lot line is deemed to be that which abuts Deschâtelets Avenue”
 - ii. “minimum interior side yard setback: 3.0 metres”
 - iii. “minimum rear yard setback: 3.0 metres”
 - iv. “maximum building height: 32.0 metres”
 - v. “a rooftop washroom area with a maximum floor area of 10.0 square metres and a maximum height of 4.9 metres above the height of the building is considered to be a permitted projection above the height limit”

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.

Public Comments and Responses

Comment:

The proposed building is too high for the neighbourhood.

Response

The application does not propose to increase the height of the building. Heights of 32.0 metres are already permitted in this location.

Comment:

There is no mention of affordable housing. The community wants to see affordable housing available in this building as well as elsewhere within Greystone.

Response:

Official Plan and Secondary Plan policies encourage a diverse mix of uses, activities and people. While the production of affordable housing is encouraged in all areas of the City, due to the diverse nature of the housing issue, many factors which influence its delivery are beyond the municipality's authority under the *Planning Act*.