

**2. Zoning By-Law Amendment – 250 and 252 Hinchey Avenue**  
**Modification du Règlement de zonage – 250 et 252, avenue Hinchey**

**Committee recommendation**

**That Council approve an amendment to Zoning By-law 2008-250 for 250 and 252 Hinchey Avenue to permit a three storey 16-unit apartment building, as detailed in Document 2.**

**Recommandation du Comité**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant les 250 et 252, avenue Hinchey, afin de permettre la construction d'un immeuble résidentiel de trois étages abritant 16 logements, comme l'expose en détail le document 2.**

**Documentation/Documentation**

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 27, 2020 (ACS2020-PIE-PS-0081)

Rapport du Directeur par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 27 novembre 2020 (ACS2020-PIE-PS-0081)

2. Extract of draft Minutes, Planning Committee, December 11, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 11 décembre 2020

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
11 December 2020 / 11 décembre 2020**

**and Council  
et au Conseil  
27 January 2021 / 27 janvier 2021**

**Submitted on 27 November 2020  
Soumis le 27 novembre 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: KITCHISSIPPI (15)**

**File Number: ACS2020-PIE-PS-0081**

**SUBJECT: Zoning By-law Amendment – 250 and 252 Hinchey Avenue**

**OBJET: Modification du Règlement de zonage – 250 et 252, avenue Hinchey**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 250 and 252 Hinchey Avenue to permit a three-storey 16-unit 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 January 27, 2021", 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 250 et 252, avenue Hinchey, afin de permettre la construction d'un immeuble résidentiel de trois étages abritant 16 logements, comme l'expose en détail 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, 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 27 janvier 2021 », 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.

## EXECUTIVE SUMMARY

### Staff Recommend Approval

This report recommends that Council approve an amendment to Zoning By-law 2008-250 for 250 and 252 Hinchey Avenue. The amendments will facilitate the demolition of the existing two-storey single family houses and construction of a new three-storey 16-unit low-rise apartment building.

The Zoning By-law amendment application seeks to create a site-specific exception to allow for an increased number of units, relief from providing parking, reduced interior side yard setbacks, and increased walkway width.

### **Applicable Policy**

The proposed development is consistent with the Official Plan and Scott Street Secondary Plan.

The Official Plan (OP) designates the site as General Urban Area in Schedule B - Urban Policy Plan of the City of Ottawa Official Plan. This 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 site is located within the neighbourhood line and designated Low-Rise Residential under Schedule A – Land Use of the Scott Street Secondary Plan. These designations contain low-rise residential and other low-rise non-residential uses.

### **Public Consultation / Input**

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.

A public information session was held on June 11, 2020.

The main concerns expressed related to the increased number of units, the scale and design of the proposed development not being in keeping with the existing built form and character of the street, increased traffic and on-street parking, and loss of privacy.

## **RÉSUMÉ**

### **Approbation recommandée par le personnel**

Dans le présent rapport, on recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant les 250 et 252, avenue Hinchey. Cette modification permettra la démolition de deux habitations isolées de deux étages et la construction d'un immeuble résidentiel de trois étages (faible hauteur) abritant 16 logements.

La demande de modification au Règlement de zonage a pour objet de créer une exception propre à l'emplacement permettant d'aménager un plus grand nombre de logements, d'accorder une dispense de l'obligation d'aménager une aire de stationnement, de réduire les retraits de cour latérale intérieure et d'augmenter la largeur de l'allée piétonnière.

## **Politique applicable**

L'aménagement proposé est conforme aux dispositions du Plan officiel et du Plan secondaire de la rue Scott.

L'annexe B – Plan de politique urbaine – du Plan officiel de la Ville d'Ottawa désigne l'emplacement comme appartenant au secteur urbain général. Cette désignation permet l'aménagement d'un large éventail de types d'habitations qui répondent aux besoins des gens, peu importe leur âge, leur revenu et leur situation, tout en assurant la proximité de lieux de travail, de commerces de détail, de services, d'utilisations culturelles, récréatives, institutionnelles et de divertissement.

L'emplacement se trouve à l'intérieur de la limite de quartier et est désigné « Immeuble d'habitation de faible hauteur » à l'annexe A - Utilisation du sol – du Plan secondaire de la rue Scott. Cette désignation permet des aménagements résidentiels de faible hauteur et d'autres aménagements non résidentiels de faible hauteur.

## **Consultation publique et commentaires**

Un avis public a été donné et une consultation publique a eu lieu, conformément à la Politique d'avis et de consultation publique approuvée par le Conseil municipal pour les modifications du Règlement de zonage.

Une séance d'information publique a eu lieu le 11 juin 2020.

Les principales réserves émises avaient trait à l'augmentation du nombre de logements, à l'échelle et à la conception de l'aménagement proposé, qui ne respectent pas la forme bâtie actuelle et le caractère de la rue, à l'augmentation de la circulation et du stationnement sur rue ainsi qu'à la perte d'intimité.

## **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**

250 and 252 Hinchey Avenue

**Owner**

2665991 Ontario Inc. c/o: Alexandre Aubrey

**Applicant**

Jennifer Murray, Terrain Development Consulting

**Architect**

Project 1 Studio Inc.

**Description of site and surroundings**

The site is located in the Hintonburg neighborhood, to the east side of Parkdale Avenue and to the south of Scott Street. The neighbourhood is composed of a variety of housing types including single and semi-detached homes, duplex, triplex, townhouses and low-rise apartment buildings. There are commercial and mixed-uses just two lots away to the north along Scott Street.

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

At the time of the application, the Site was zoned Residential Fourth Density, Subzone H (R4H) in Zoning By-law 2008-250. It is now zoned R4-UB under the recently approved R4 provisions. The purpose of the R4 Zone is to allow a broad mix of residential building forms from detached to low-rise apartment dwellings. The 'Mature Neighbourhoods Overlay' applies to the site. The purpose of the Mature Neighbourhoods Overlay is to regulate development to ensure it reflects the streetscape.

The applicant wishes to create a site-specific exception zone as provided below:

- Increase the number of units to 16, whereas the R4H allows a maximum of four;
- Provide zero residential parking space, whereas two spaces are required;
- Reduce the interior side yard setback after 21 metres of lot depth to 1.5 metres, whereas 6 metres is required (no longer required under the recently approved R4 provisions);
- Increase the walkway width to 1.5 metres, whereas the maximum allowed is 1.25 metres;

- A Street Scape Character Analysis is not required;
- Allow rear balconies to project 1.5 metres into the required rear yard setback, whereas no projection is permitted.

### **Brief history of proposal**

The site is comprised of two residential lots totalling 20 metres of frontage and 614 square metres of lot area. Each lot presently contains a single-detached home. The lots immediately adjacent to the site are developed with older two-storey single-detached homes.

The applicant is proposing to construct a three-storey 16-unit low-rise apartment building. The unit count will consist of two studio units, 10 one-bedroom units, and four two-bedroom units. No parking is being proposed. The bicycle storage and garbage rooms will be internalised.

## **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.

A public information session was held on June 11, 2020.

The main concerns expressed related to the increased number of units, the scale and design of the proposed development not being in keeping with the existing built form and character of the street, increased traffic and on-street parking, and loss of privacy.

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

### **Official Plan designations**

The Managing Growth Policies of the Strategic Directions, more specifically the Intensification and Building Height policies under Section 2.2.2(10), stipulates that intensification may occur in a variety of built forms, including low-rise, provided that compatibility objectives are met, and that denser development should be located in areas that support the rapid transit network.

Section 2.5.1 and 4.11 of the Official Plan provides policy direction for urban design and

compatibility. Section 2.5.1 is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, and respecting the character of the community. Section 4.11 references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design.

The General Urban Area Designation (Section 3.6.1) 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. Policy 3.6.1(5) states that residential intensification will be assessed based on compatibility with the existing community and contribution to a full range of housing for a variety of demographic profiles.

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

The site is located within the North Hintonburg neighbourhood of the Scott Street Secondary Plan, which comprises single detached homes varying in architectural style as well as semi-detached houses, townhouses and low-rise apartment buildings. The Plan encourages low-scale infill and intensification on underutilized sites within existing neighbourhoods, subject to maintaining the character of the local streetscape.

The site is located within the Low-Rise Residential Designation of the Scott Street Secondary Plan, and Scott Street Community Design Plan. This designation permits the same uses that are permitted in the Official Plan's General Urban designation and includes low-rise apartment buildings. The maximum building height permitted in North Hintonburg is three storeys.

### **Urban Design Guidelines for Low-rise Infill Housing**

The Urban Design Guidelines for Low-Rise infill housing apply to all infill development in the General Urban designation of the Official Plan and include all low-rise dwelling types, including low-rise apartment buildings.

These guidelines encourage infill to be constructed in a manner that reflects the existing or desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections, as well as front, rear, and side yard setbacks.



## **Transit Oriented Development Guidelines**

The City's Transit-Oriented Design guidelines apply to all development within 600 metres of a rapid transit stop or station.

### **New R4 provisions**

As part of its [R4 Zone review](#), the City recognized that the lack of affordability is being exacerbated by a deficiency of low-rise, multi-unit infill housing in established neighbourhoods.

The new R4 provisions were adopted by City Council on October 14, 2020. They more specifically introduced new requirements in terms of waste management, trees and green space, minimum lot sizes, parking, fenestration, entrances, balconies and façade articulation, maximum unit counts, and minimum number of two-bedroom units. The new provisions were not appealed and are now in full force and effect.

### **New Infill provisions**

The [new Infill provisions for low-rise residential development](#) were also adopted by City Council on October 14, 2020. Among other things, the new provisions introduced new performance standards for the front yards. The new provisions were appealed, therefore not in effect until the appeal is settled.

## **Planning rationale**

### **Official Plan**

The proposed development is consistent with the Managing Growth Policies, which allows for intensification in areas that supports the rapid transit network.

It is also consistent with the urban design and compatibility policy directions by providing private and communal amenities, along with green space and good accessibility, to its future occupants while respecting the low-rise residential character of the neighbourhood. The proposed setbacks, balcony location, window location, and landscaping will ensure compatibility with the immediately abutting more modest single-family homes.

The proposed low-rise apartment is consistent with the General Urban Designation by contributing to the diversity of housing types in the neighbourhood. It is also consistent with the Designation by being in close proximity to services on Scott Street, Tunney's Pasture Transit Station, and the Tunney's Pasture employment area.

### Scott Street Secondary Plan and Community Design Plan

The proposed development is consistent with the built form of the North Hintonburg neighbourhood and the Low-Rise Residential Designation, which comprises and permits low-rise apartment buildings of a maximum height of three storeys. It is also consistent with the policies of the plan that encourages low-scale infill and intensification within existing neighbourhoods.

### Urban Design Guidelines

The proposed development is in keeping with the Urban Design Guidelines for Low-Rise Infill Housing as it reflects the desirable planned neighbourhood pattern of discreet intensification and provides setbacks that minimises the impacts on the abutting single-family homes and are consistent with the existing built pattern of the street.

### Transit Oriented Development (TOD)

The proposed development is consistent with the TOD guidelines as it aims at future occupants that will use modes of transportation other than the automobile.

### New R4 provisions

The proposed development will contribute to a wider range of household types, budgets and tenures in the Scott Street area by providing studio, one bedroom and two-bedroom rental units.

The proposed rezoning was carefully compared against the new performance standards introduced under the recently approved R4 provisions and has been deemed to comply with most of them except for the maximum number of units. More specifically, the new zoning designation of the property is R4-UB, which allows for a maximum of 12 units on a lot having a minimum width of 15 metres and minimum area of 450 square metres, whereas the proposed development proposes 16 units. The same designation also allows for a maximum of eight units on a lot having a minimum width of 10 metres and minimum area of 300 square metres. This means that the original two lots used to consolidate the subject property, which are 10 metres in width and 306 square metres in area, could have been developed with two 8-unit low rise apartment buildings. For this reason, and given the proposed development will provide the minimum required soft landscaping, minimum front façade treatments (fenestration, articulation, balconies,

principal entrance), and minimum number of two-bedroom units, staff has no issues with the increased number of units.

#### New Infill provisions

The proposed rezoning was carefully compared against the new performance standards introduced under the recently approved Infill provisions and has been deemed to comply with most of them except for one relief. The rear balconies will be encroaching 1.5 metres into the required rear yard, whereas a maximum of 1.2 metres is now permitted. Staff has no issues with the additional encroachment of 0.3 metres as the rear balconies will be required to be setback 5 metres from the interior side yards under the concurrent site plan approval process. This is to ensure privacy with the abutting neighbouring back yards. To provide additional certainty, such a requirement will also be added to the exception created under this rezoning.

#### Parking and Street Scape Character Analysis

Staff has no issues with the proposed development not providing parking as the site is located in close proximity to neighbourhood services, employment, and rapid transit. Furthermore, a multi-use pathway runs east-west along Scott Street, and south towards Dows Lake along the Trillium Rail Corridor.

Given that no on-site parking is proposed that the front door will face the street, and that the front yard is fully landscaped, staff has no issues with not requiring a Street Scape Character Analysis (SCA). Furthermore, the new Infill provisions do not require a SCA for such a scenario.

#### Increase the number of units

Staff has no issues with the proposed increased number of units from four to 16 as it is now consistent with the general intent of the new R4 provisions.

#### Interior side yard setback

Staff has no issues with the relief for the interior side yard setback as this provision was removed with the recent adoption of the new R4 provisions. Furthermore, the applicant has agreed to, as part of a concurrent site plan control approval process (Application D07-12-20-0030), to add trees in the rear yard, locate the rear balconies away from the side walls, add privacy screening, and erect a seven foot high fence.

Increased walkway

Staff has no issues with increasing the walkway width to 1.5 metres, this given that the rest of the front yard will be fully landscaped. Furthermore, the new Infill provisions now allows for a width of 1.8 metres.

Recommendation

Given the above, it is staff position that the proposal represents appropriate development for the site while being consistent with the new R4 and Infill provisions.

### **Provincial Policy Statement**

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

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

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

Councillor Leiper provided the following comment:

“This application for 250 / 252 Hinchey Ave speaks to the “missing middle” built form we are missing from in our building fabric as we continue to intensify. I am supportive of the proposed density increase and no parking but do wish the applicant had waited to bring this application forward until after the R4 Zoning Review had been concluded. I am thankful to staff's work on this file and I appreciate the applicant's willingness to heavily consult with the community and direct neighbours, which has resulted in some strong changes to the design, including adjusting the rear balconies to the centre of the building and adding privacy screening, planting a new tree in the rear of the property, and the soft landscaping in the rear and front of the property. The community remains concerned about the front façade however. There is a very consistent rhythm on the street of houses separated by spaces. The façade as proposed has the door at the side and reads as one large mass. Without changing the built form at all, there are design elements that could be used to break up the massing into two parts that would reflect the pattern of the street and be much more compatible. This should be done.”

### **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 three-day hearing will result. It is anticipated that this hearing can be conducted within staff resources. In the event that the zoning 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 the recommendation in 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 report recommendations. In the event the zoning application 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**

No accessibility barriers are anticipated. Proper accessibility will be ensured through Site Plan Control Approval and Building Code review.

### **ENVIRONMENTAL IMPLICATIONS**

Environmental implications will be assessed through the Site Plan Control Approval process.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- **Economic Growth and Diversification:** Encourage economic growth and diversification by supporting business investment and expansion, talent attraction and retention, showcasing the city's bilingual and multicultural character, and branding Ottawa as a place to be.
- **Thriving Communities:** Promote safety, culture, social and physical well-being for our residents.

## **APPLICATION PROCESS TIMELINE STATUS**

This application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to staff awaiting adoption of the new R4 provisions to ensure consistency in the recommendations.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Proposed Site Plan

Document 5 Proposed Elevation/Perspective

## **CONCLUSION**

Staff is of the opinion that the proposed development should be approved by City Council as it will contribute to ensure a full range and choice of housing types in the community, will support the use of alternative forms of transportation and satisfies the intent of Official Plan and Scott Street Secondary Plan policies, as well as the Low-Rise Infill Housing and Transit Oriented Development guidelines.

## **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**

This map shows the property, which is located on the west side of Hinchey Avenue, just south of Scott Street.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN D'EMPLACEMENT	
D02-02-20-0025 D07-12-20-0030	20-0367-L	 <b>250, 252 av. Hinchey Ave.</b>	
I:\CO\2020\Site\Hinchey_250_252		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)	
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REVISION / RÉVISION - 2020 / 05 / 11			

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

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 250 and 252 Hinchey Avenue:

1. To rezone the lands shown in Document 1 from R4-UB to R4-UB [XXXX]
2. Add a new exception, [XXXX], to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a) Add to Column II the text R4-UB[XXXX]
  - b) Add to Column V, Provisions, the text:
    - “Maximum number of dwelling units: 16;
    - No motor vehicle parking is required for a low-rise apartment building;
    - Minimum interior side yard setback after 21 metres from the front lot line: 1.5 metres (no longer necessary under the recently approved R4 provisions);
    - Maximum width of walkways: 1.5 metres;
    - No Street Scape Character Analysis is required;
    - Despite Section 65, projecting rear balconies must be set back an additional 5 metres from the minimum interior side yard setback of the building;
    - Maximum projection into the required rear yard setback for a rear balcony: 1.5 metres;
    - Rear facing balconies must provide a privacy screen facing interior side lot lines.”



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

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.

A public information session was held on June 11, 2020.

The main concerns expressed related to the increased number of units, the scale and design of the proposed development not being in keeping with the existing built form and character of the street, increased traffic and on-street parking, and loss of privacy.

### **Public Comments and Responses**

- This is too many units immediately abutting single-family homes.

#### Response

The proposed development is consistent with the ongoing R4 Zone review that recognizes that the lack of affordability is being exacerbated by a deficiency of low-rise, multi-unit infill housing in established neighbourhoods. The proposed development will contribute to a wider range of household types, budgets and tenures in the Scott Street area by providing studio, one bedroom and two-bedroom rental units.

Measures will also be required as part of the concurrent Site Plan Control Approval process to minimize intrusion of privacy and sun obstruction.

- The scale and design of the proposed development is not in keeping with the existing built form and character of the street.

#### Response

The proposed development reflects the desirable planned neighbourhood pattern of discreet intensification.

- The proposed number of units and the absence of parking will increase traffic and on-street parking.

#### Response

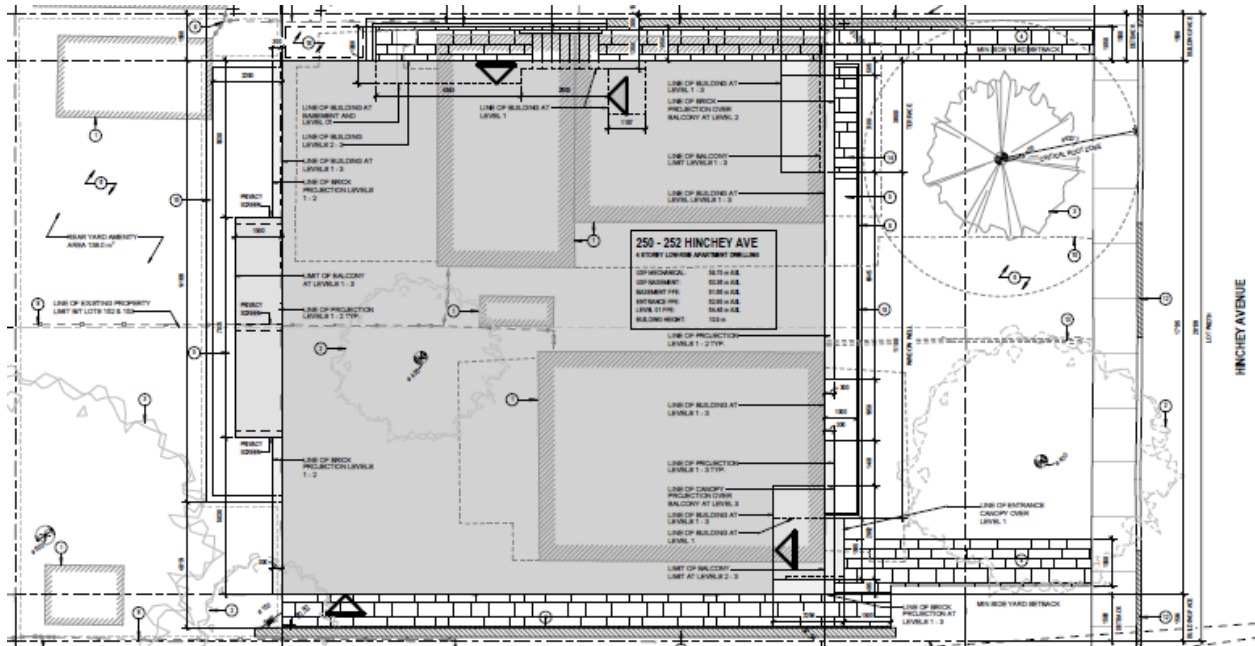
The proposed development aims at occupants that will use modes of transportation other than the automobile, which infrastructures are available in close proximity.

- The immediately abutting homes will lose privacy.

Response

Measures will be enforced through the concurrent Site Plan Control Approval process to minimize intrusion of privacy.

Document 4 – Proposed Site Plan



Document 5 – Proposed Elevation/Perspective

