

Subject: Zoning By-law Amendment – 25 Fair Oaks Crescent

File Number: ACS2022-PIE-PS-0124

Report to Planning Committee on 27 October 2022

and Council 9 November 2022

**Submitted on October 14, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Knoxdale-Merivale (9)

Objet : Modification du Règlement de zonage – 25, croissant Fair Oaks

Dossier : ACS2022-PIE-PS-0124

Rapport au Comité de l'urbanisme

le 27 septembre 2022

et au Conseil le 9 novembre 2022

**Soumis le 14 octobre 2022 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
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REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 25 Fair Oaks Crescent, as shown in Document 1, to permit three townhouse dwellings, as detailed in Documents 2 and 3.**

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 November 9, 2022”, 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 25, croissant Fair Oaks, illustré dans le document 1, afin de permettre la construction de trois habitations en rangée, comme l’expose en détail les documents 2 et 3.
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 9 novembre 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of the Zoning By-law Amendment application for 25 Fair Oaks Crescent to permit a three townhouse dwellings.

The requested Zoning By-law amendments are for performance standards, including reduced rear yards; the land use is otherwise permitted.

Applicable Policy

The subject lands are designated General Urban Area on Schedule B of the current Official Plan. The General Urban Area designation permits the development of a full

range and choice of housing types to meet the needs of all ages, incomes and life circumstance. Residential intensification through infill will respond to the existing character to enhance desirable patterns and built form, while also achieving a balance of housing types and tenures. The proposed development proposes townhouses in a low-rise built form as permitted by the existing zoning of the site.

The Urban Design Guidelines for Transit Oriented Development and Low-Rise Infill Development apply to this site, both aim to promote the site and building design that promote compatibility and transit use. The proposal's attributes relate well to the relevant Urban Design Guidelines.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy. Comments were received from 38 residents during the application review process. A petition with approximately 30 signatures in opposition to the application was also received. A community meeting was held virtually by the Councillor's office on August 18, 2022 and was attended by 25 residents. Concerns were raised with respect to traffic, parking, height of the building, shadowing, the number of units provided, and built form.

SYNTHÈSE ADMINISTRATIVE

Recommandation du personnel

Le personnel des Services de planification recommande d'approuver la demande de modification du *Règlement de zonage* pour le 25, croissant Fair Oaks, afin de permettre de construire une habitation en rangée de trois logements.

Les modifications que l'on demande d'apporter au *Règlement de zonage* tiennent compte des normes de rendement, dont la réduction de la superficie des cours arrière; l'aménagement du terrain est par ailleurs autorisé.

Politiques applicables

Les terrains visés portent la désignation de secteur urbain général dans l'annexe B de la version actuelle du Plan officiel. Cette désignation permet d'aménager un large éventail et un vaste choix de types de logements afin de répondre aux besoins de tous les groupes d'âge et de revenus et de toutes les strates sociales. La densification résidentielle assurée grâce à l'aménagement intercalaire sera adaptée au caractère existant afin de rehausser les motifs souhaitables et la forme bâtie, tout en assurant

l'équilibre des types de logements et des durées d'occupation. Le projet d'aménagement proposé prévoit des habitations en rangée dans une forme bâtie de faible hauteur, ce qui permet le zonage existant du site.

Les Lignes de conduite de l'esthétique urbaine pour les aménagements axés sur les transports en commun et les aménagements intercalaires de faible hauteur s'appliquent à ce site et visent, dans un cas comme dans l'autre, à promouvoir l'esthétique du site et de l'immeuble pour favoriser la compatibilité et l'utilisation des transports en commun. Les attributs de la proposition cadrent bien avec les Lignes de conduite de l'esthétique urbaine correspondantes.

Consultation publique et commentaires

L'avis public a été diffusé et la consultation publique s'est déroulée conformément à la Politique sur les avis publics et la consultation. Pendant l'examen de la demande, 38 résidents ont déposé des commentaires. Le 18 août 2022, le Bureau du conseiller municipal a tenu en virtuel une assemblée communautaire, à laquelle ont participé 25 résidents. Des inquiétudes ont été exprimées à propos de l'achalandage automobile, du stationnement, de la hauteur de l'immeuble, de l'ombre, du nombre de logements prévus et de la forme bâtie.

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

25 Fair Oaks Crescent

Owner

Abdirizak Abdullahi

Applicant

Novatech Engineering (c/o Jeffrey Kelly)

Description of site and surroundings

The subject lands are located west of Woodroffe Avenue between Knoxdale Road and the rail corridor. As shown on the location map in Document 1, the site is located along an 'eyebrow' street and has frontage along Fair Oaks Crescent along both the north and eastern frontages of the site. The site is occupied by a detached dwelling. The neighbouring properties consist of detached dwellings and linked-detached dwellings that are generally two storeys in height.

North of the site is developed with linked dwellings and single detached dwellings, beyond which is the Beachburg Rail Corridor.

East of the site is developed with detached dwellings.

South of the site is developed with detached dwellings.

West of the site is developed with linked dwellings.

Proposed Development

The application proposes the development of three townhouse dwellings with secondary suites. As the subject site acts as a corner lot, two units are proposed to face north and one unit faces west.

Summary of requested Zoning By-law amendment proposal

The subject site is zoned Residential Third Density, Subzone Z, Exception 937 (R3Z[937]) in City of Ottawa Zoning By-law 2008-250 which permits a range of low-density residential uses including townhouses. The site-specific exception contains provisions for a minimum lot width of five metres, minimum front yard and corner side yard setbacks of 4.5 metres, minimum interior side yard setback for detached dwellings of 2.4 metres if no garage provided, and a minimum rear yard setback of 9 metres.

The requested Zoning By-law amendments are for performance standards; the land use is otherwise permitted. As described in Documents 2 and 3, the proposal will result in a number of Zoning By-law amendments. The applicant has requested relief as follows for the proposed development:

- Minimum front and corner side yard setback: 4.5 metres;
- Minimum lot width: 5 metres;

- Rear yard setback: 5.5 metres for the westerly two units and 3.5 metres for the easterly unit;
- Permitting the entrance of the garage to be set back a distance equal to the principal entrance;
- Permitting a driveway access, with a minimum width of 2.75 metres, to each townhouse dwelling unit.
- A schedule (shown in Document 3) is also recommended to clearly describe the setbacks.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Comments were received from 38 residents during the application review process. A community meeting was held virtually by the Councillor's Office on August 18, 2022 and was attended by 25 residents. A petition with approximately 30 signatures in opposition to the application was also received. Concerns were raised with respect to traffic, parking, height of the building, shadowing, the number of units provided, and built form.

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

Official Plan designation(s)

Current Official Plan

The subject lands are designated General Urban Area on Schedule B of the current Official Plan. The site is within 500 metres of a future LRT Station at Knoxdale Road and Woodroffe Avenue. Woodroffe Avenue is identified as a Transit Corridor on Schedule D of the Official Plan.

Other relevant policies against which infill development within the City's Urban Area is evaluated include those for managing intensification within the urban area (Sec. 2.2.2), urban design and built form (Sec. 2.5.1 and 2.5.6), and compatibility (Sec. 4.11).

New Official Plan

The subject site is designated Neighbourhood area within the Outer Urban Transect of the new Official Plan. The Outer Urban Transect speaks to the evolution of these areas into 15-minute neighbourhoods. The Neighbourhood designation permits low-rise residential intensification which moves towards more urban built forms. Low-rise buildings shall be designed to respond to context and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, and front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context. The proposal meets the intent of the new Official Plan.

Other applicable policies and guidelines

The Urban Design Guidelines for Transit Oriented Development apply to all development within a 600-metre walking distance of a transit station. As noted, the proposal is within 500 metres of a planned LRT station. These guidelines state that people are more likely to choose transit if they can easily walk between destinations at the beginning and end of their trip. This can be achieved through providing increased densities, mixed-uses and pedestrian-oriented design within easy walking distances of high-quality transit. The guidelines speak to land use, site layout, built form, pedestrians and cyclists, vehicles and parking, and streetscape and the environment.

The Urban Design Guidelines for Low-Rise Infill Development apply to the application. These guidelines aim to create a high-quality public realm and compatible low-rise development.

Planning rationale

This application has been reviewed under the consolidated Official Plan (2003) and amendments in effect from Official Plan Amendment 150 (OPA 150).

The site is designated as General Urban Area (Section 3.6.1), which permits the development of a broad range of uses to facilitate the development of complete and sustainable communities. Policy 3.6.1.1 outlines that the General Urban Area designation which permits many types and densities of housing, employment, retail uses, service, industrial, cultural, leisure, and greenspace. Building heights in the General Urban Area will continue to be predominantly low-rise (3.6.1.3). Within this range, changes in building form, height and density will be evaluated based upon compatibility with the existing context and the planned function of the area.

The proposed development proposes townhouses in a low-rise built form as permitted by the existing zoning of the site.

Section 2.2.2 – Managing Growth Within the Urban Area

Section 2.2.2 of the Official Plan states that intensification may occur in a variety of built forms from low-rise to high-rise provided urban design and compatibility objectives are met. The Official Plan states that development proposed within the interior of established neighbourhoods will be designed to complement the area's desirable character reflected in the pattern of built form and open spaces. The character of a community may be expressed in its built environment and features such as building height, massing, the setback of buildings from the property line, the use and treatment of lands abutting the front lot line, amenity area landscaped rear yards, and the location of parking and vehicular access to individual properties.

The proposal meets the intent of the Official Plan by maintaining the existing height, front and street yard setbacks as found within the existing zoning for the area. The proposed front driveways are consistent with the pattern of surrounding development. The rear yard setbacks are consistent with development within the Greenbelt.

The Official Plan states that all intensification will occur in accordance with the provisions of Section 2.5.1 and 4.11, dealing with matters of urban design and compatibility.

Section 2.5.1 – Designing Ottawa

Tools and design objectives for new development are provided in Section 2.5.1 to guide compatibility and high quality of design. The application supports the Design Objectives of the Plan listed below as follows:

1. To enhance the sense of community by creating and maintaining places with their own distinct identity.

The proposed development is in a low-rise townhouse form as permitted by the Zoning By-law.

2. To define quality public and private spaces through development.

The provision of front driveways provides for a development form that is consistent with the surrounding development and that will facilitate snow storage and the planting of street trees.

3. To create places that are safe, accessible and are easy to get to, and move through.

The proposed front entrances have walkway access to the public right-of-way.

4. To ensure that new development respects the character of existing areas.

Viewed from the public realm, the proposed development maintains the front and side yard setbacks of the existing zone. The proposal incorporates front yard parking as is consistent with the existing development pattern in the vicinity of the site. The proposal provides a ground-oriented housing type with rear yards that are consistent with setbacks within the Greenbelt.

5. To consider adaptability and diversity by creating places that can adapt and evolve easily over time and that are characterized by variety and choice.

The proposed development allows for intensification and a variety of housing choices within a short walk to transit.

6. To understand and respect natural processes and features in development design.

There are no significant natural features on the subject lands. Several trees are proposed to be planted post-development.

7. To maximize energy-efficiency and promote sustainable design to reduce the resource consumption, energy use, and carbon footprint of the built environment.

The proposal provides an efficient use of municipal infrastructure and facilitates housing near planned rapid transit that has the potential to reduce car dependence.

Section 4.11 – Urban Design and Compatibility

New development is reviewed and evaluated using the policies of Section 4.11, which address urban design and compatibility. The purpose of reviewing these design aspects is to ensure that new development is sensitive to and compatible with the existing context while providing appropriate transitions between densities and land uses.

Section 4.11 references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, and location of loading facilities.

The proposal has responded appropriately to the Urban Design policies of the Official Plan, Transit Oriented Development Guidelines and Low-Rise Infill Guidelines. With respect to the Transit Oriented Development Guidelines, the proposal provides low-rise infill which provides parking in accordance with the Zoning By-law. The proposal meets the intent of the Low-Rise Infill Guidelines by providing entrances facing each segment of the public roadway, providing driveways in locations that are consistent with surrounding development, ensuring that street trees can be planted, and providing grade-related rear amenity space consistent with the development pattern within the Greenbelt.

Zoning By-law

The subject lands are zoned Residential Third Density Zone with site-specific Exception 937 (R3Z [937]). The rezoning proposes to:

- Reduce rear yard setbacks to 5.5 metres for the two westerly and 3.5 metres for the easterly unit.

The site contains a site-specific exception, including a 9-metre rear yard, which captures the provisions of the R5 Zone in the former City of Nepean Zoning By-law 100-2000 under which the development was originally constructed.

Setbacks for development throughout the urban area within the Greenbelt are governed by *Section 144 – Alternative Yard Setbacks affecting Low-Rise development in the R1-R4 zones within the Greenbelt*. This section reflects a recent approach by the City to achieve compatible infill development.

The proposed rear yard setbacks comply with Section 144 of the Zoning By-law which is consistent with infill development throughout the urban area. As the site-specific exception prevails over the provisions of Section 144, an amendment is required.

- Permit the entrance of the garage to be set back a distance equal to the principal entrance.

The Zoning By-law requires that garages be setback 0.6 metres from the building face. The front lot line is at an angle, to ensure that the garage and front doors are perpendicular to the road the eastern portion of the garage is located flush with the principal entrance, although articulation of the front lot line is provided.

- Permit a driveway access to each townhouse dwelling unit.

Section 139 of the by-law prohibits front driveways where a permitted lot width is less than six metres, whereas Urban Exception 937 has a minimum lot width of five metres. The proposed lots have lot widths of at least eight metres, additionally the units face different roadway frontages, ensuring that there is adequate space for street tree planting, landscaping and snow storage. Furthermore, the existing neighborhood is characterized by front-facing attached garages and driveways.

In summary, the proposed Zoning By-law amendment complies with the intent of the relevant policies and contains appropriate zone provisions to permit the proposed development. The proposed amendments are appropriate to support low-rise infill development and represent good planning.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associate with this report

COMMENTS BY THE WARD COUNCILLOR

Councillor Egli has provided the following comments on the application:

“This is an application to intensify a small residential street and intensification is something I am generally in favour of. The difficulty with this application is that to my mind it over intensifies and exacerbates an already existing parking issue. Residents of this street already struggle with City snow removal every winter due to the number of cars parked. There are already concerns about the safety of children playing on the street due to parked cars and impacts on sightlines. The proposed project would take down one home and replace it with 6 rental units. 3 townhome units and 3 secondary units. The City as I understand it only requires one parking spot per main unit. So potentially you have upwards of 12 cars and three parking spots. This planning approach is premised on two pillars. Firstly, that tenants of the secondary units won't have cars as they will likely be Algonquin students. If it were that simple the park and ride at Baseline station would not have restrictions on parking due to student parking potentially competing with transit parking. There are many students that have vehicles

to get to and from school and work. Secondly, that the LRT is coming. LRT is indeed coming but we don't know how and when this leg of LRT will be funded but it will certainly be well after this project is built if approved. Intensification can happen here and be made more accommodating to the community by simply building 3 units with one parking spot each. Such an approach would turn one home into three. It would not exacerbate parking and the related issues to the same degree and should still be profitable for the developer.

Intensification into wards such as Ward 9, which will be in large part made up of infill projects, is a delicate dance. We as the City want intensification for a whole lot of good reasons but we also don't want every application to be a significant point of conflict. The intensification must be worked out in collaboration with the community that it is serving. That did not happen here. I understand there were numerous meetings between planning staff and the applicant where matters were apparently hashed out but only one meeting with the public where the perception was that the application presented by the developer was a fait accompli. This is not how we are going to achieve the necessary widespread acceptance of intensification into existing communities. It should be a discussion sensitive to community needs and context. Sometimes it should not be a question of what you can do but rather what you should do. I cannot support this application as it tries to do too much to the existing street when it could accomplish a similar result with a much higher rate of community buy in by reasonably intensifying to three units.”

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations of the report.

If the recommendations are approved and an appeal is received, it is estimated that a hearing before the Ontario Land Tribunal of approximately one week would be scheduled, depending on the complexity of the issues raised in the appeal. The litigation could be managed within existing Legal Services resources and with reliance on staff for expert witness testimony.

If the application is refused by Council reasons must be provided. If, in that circumstance, the applicant chooses to appeal it is estimated that a one-week hearing before the Ontario Land Tribunal may result. External planning and possibly other expert witnesses would need to be retained.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications. In the event the applications are refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services operating budget.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code.

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: D02-02-22-0054) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to complexities related to urban design.

SUPPORTING DOCUMENTATION

Document 1 – Location Map

Document 2 – Details of Recommended Zoning

Document 3 – Draft Zoning Schedule

Document 4 - Consultation Details

Document 5 – Proposed Development

CONCLUSION

The proposed development introduces intensification in a manner which conforms to the Official Plan and is consistent with the relevant design guidelines. The proposal provides a ground-oriented housing type with rear yards that are consistent with setbacks within the Greenbelt in close proximity to transit. The Zoning By-law Amendment is recommended for approval.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

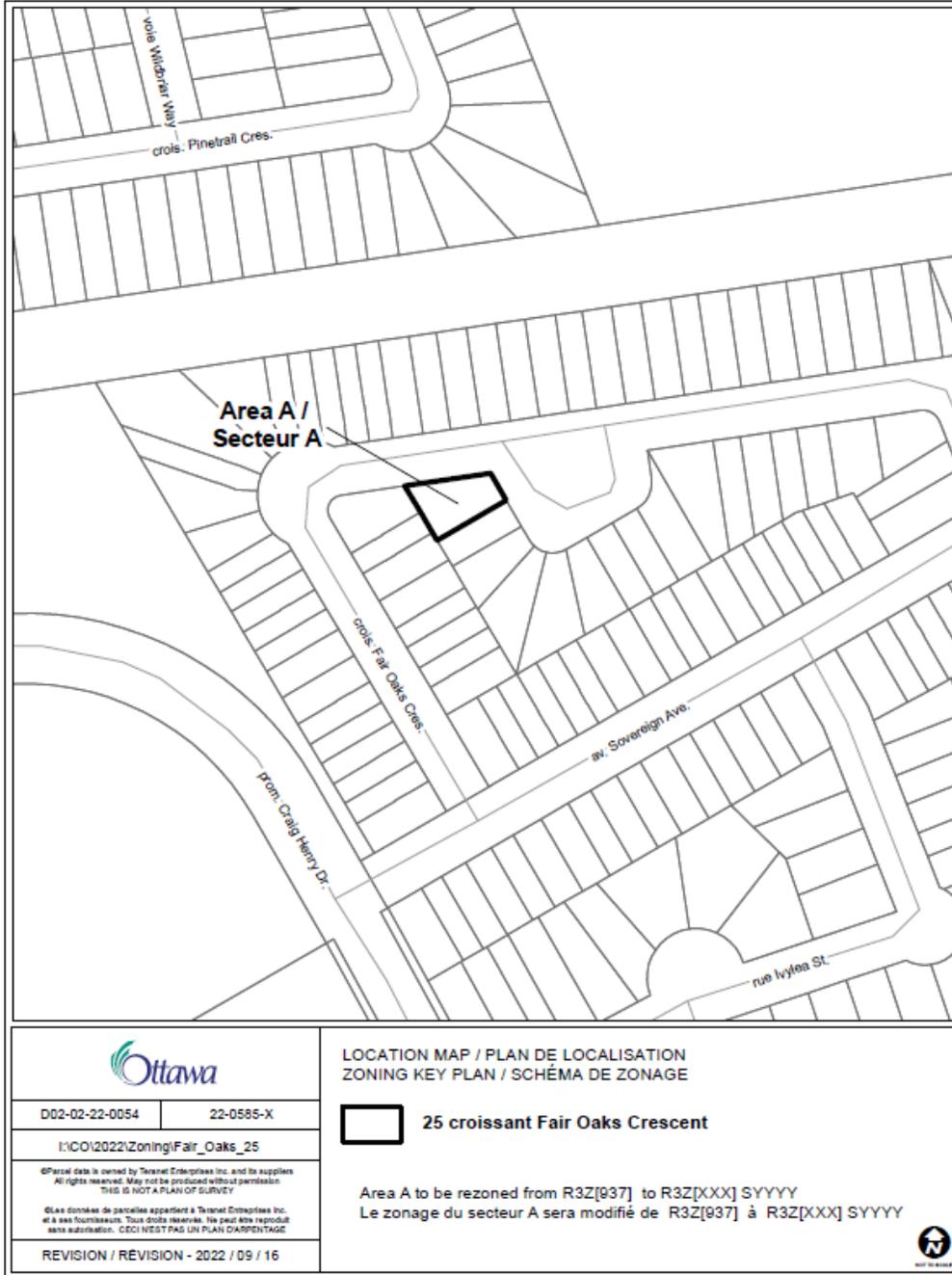
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

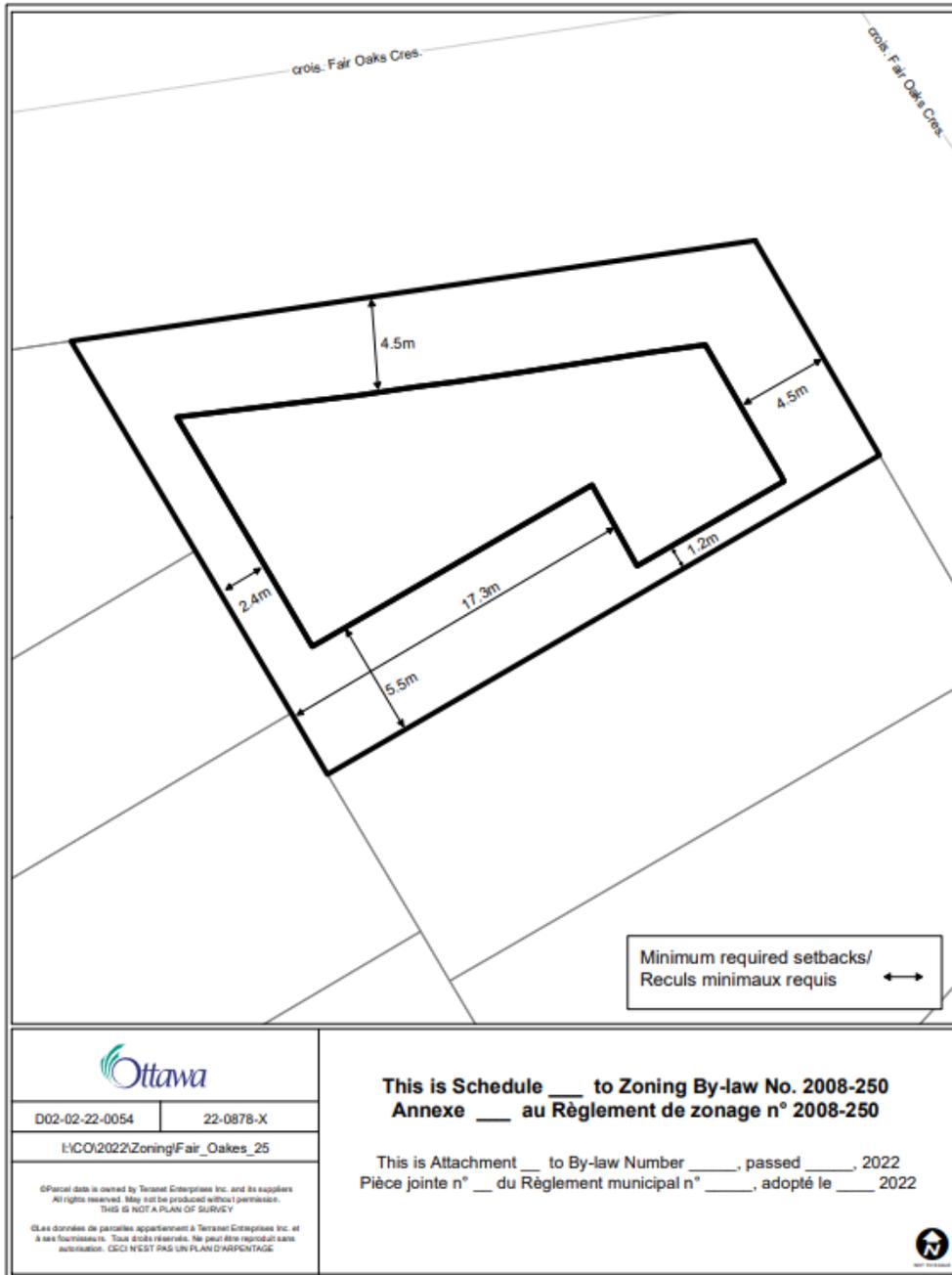


Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 25 Fair Oaks Crescent:

1. Rezone the site from R3Z [937] to R3Z[XXXX] SYYYY.
2. Amend Section 239, Urban Exceptions, by adding a new exception [XXXX] with provisions similar in effect as follows:
3. In Column II, add R3Z[XXXX] SYYYY
4. In Column V, include provisions similar to the following:
 - a. Minimum front and corner side yard setback: 4.5m
 - b. Minimum lot width: 5m
Minimum rear yard setback: 9 m
 - c. Despite Table 139(3), a single driveway with a maximum width of 2.75 m is permitted
 - d. No addition setback is required for carport and garage entrances
 - e. Despite the foregoing, for a townhouse dwelling consisting of three principal dwelling units, the setbacks of Schedule YYYYY apply whether the lots are severed or not
5. Amend Part 17 by adding Schedule YYYYY

Document 3 – Draft Zoning Schedule



Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. A community meeting was also held virtually on August 18, 2022.

The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

Public Comments and Responses

Building Height, Architecture and Massing

- The height of the development will threaten the privacy of neighboring buildings.
- The proposed building is too large for the site.
- The building is too tall and out of character with surrounding development.
- The architecture of the building does not reflect the character of the existing community.
- The proposal represents too much intensification – Six units are provided where there is a single family home.

Response:

The Official Plan encourages intensification and development where there are opportunities to support alternative modes of travel from the car. The site is located within close proximity of a planned transit station along Woodroffe Avenue. The building height and townhouse use are permitted by the existing zoning on the site, and secondary suites are also a permitted use within the Zoning By-law.

While the development is not subject to site plan control, the zoning provisions required for building permit are consistent with the intent of the Official Plan and infill zoning regulations for sites within the Greenbelt.

Parking and Traffic

- There is insufficient parking for the six units on the site.
- Concern about additional traffic on Fair Oaks Crescent.

Response:

Parking on the site has been provided in accordance with the Zoning By-law whereby parking is not required for secondary suites. Transportation staff have reviewed the application and are satisfied that there are no capacity concerns with the development proposal.

Construction:

- Concern about construction nuisance.

Response:

The construction of the proposed development is required to follow all applicable City and Provincial regulations and industry best practices relating to safety, noise, dust, blasting and construction. Construction activity must adhere to relevant City by-laws, including the Noise By-law, Traffic and Parking By-law and Encroachments on City Highways By-law. If issues are experienced during construction, a concerned citizen may contact 311 to report non-compliance with the by-laws.

Document 5 – Development Proposal



