

Subject: Zoning By-law Amendment – 535 Chapel Street

File Number: ACS2023-PRE-PS-0004

Report to Planning and Housing Committee on 31 January 2023

and Council 8 February 2023

**Submitted on January 19, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

Contact Person: Jean-Charles Renaud, Planner II, Development Review Central

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Ward: Rideau-Vanier (12)

Objet : Modification du Règlement de zonage – 535, rue Chapel

Dossier : ACS2023-PRE-PS-0004

Rapport au Comité de l'urbanisme et du logement

le 31 janvier 2023

et au Conseil le 8 février 2023

**Soumis le 19 janvier 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne-ressource : Jean-Charles Renaud, Urbaniste II, Examen des demandes
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Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATIONS

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 535 Chapel Street, as shown in Document 1, to facilitate the conversion of an existing four-unit low-rise apartment dwelling to a nine-unit low-rise apartment dwelling, as detailed in Document 2, as revised.**

2. That Planning and Housing 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 25, 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 et du logement recommande au Conseil d’approuver une modification au Règlement de zonage 2008-250 concernant le bien-fonds situé au 535, rue Chapel, comme le montre le document 1, afin de faciliter la transformation de l’immeuble d’habitation de faible hauteur existant, doté de quatre logements, en un immeuble d’habitation de faible hauteur, doté de neuf logements, comme l’explique en détail le document 2, tel que révisé.
2. Que le Comité de l’urbanisme et du logement donne son approbation afin 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 25 janvier 2023», sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

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](#).

This report has been revised pursuant to Motion No. PHC2023-1/3 approved by the Planning and Housing Committee on January 18, 2023.

Site location

535 Chapel Street

Owner

2837786 Ontario Inc

Applicant

Fotenn Planning + Engineering (c/o Lisa Dalla Rosa)

Architect

Musaiko Architecture

Description of site and surroundings

The subject site is located on the east side of Chapel Street between Mann Avenue and Templeton Street, in the Sandy Hill neighbourhood. The site has an area of approximately 232.37 square metres with a lot frontage of 7.61 metres on Chapel Street and a lot depth of approximately 30.51 metres. The property is currently zoned Residential Fourth Density Zone Subzone UB Urban Exception 480 (R4UB[480]) and is subject to the Mature Neighbourhoods Overlay. The site is currently occupied by a 2.5-storey apartment building consisting of four residential units. A shared private right-of-way abuts the northern side of the property.

The area surrounding the site is generally characterized by residential uses ranging from single detached units to low-rise apartment buildings. To the north of the site is a low-rise residential neighbourhood, with commercial uses on Somerset Street East further north. To the east are low-rise residential uses, embassies, two parks and recreational fields, and small restaurants. To the south is a commercial strip plaza fronting onto Mann Avenue, beyond which is a Planned Unit Development consisting of residential uses ranging from townhouses to high-rise apartment buildings. To the west of the site are low-rise residential, commercial and retail uses, an elementary school and the main University of Ottawa campus. The subject site is within 800 metres of both Campus and Lees LRT stations.

Summary of the proposal

The purpose of this application is to accommodate the construction of an additional storey onto the existing low-rise apartment dwelling, which will consist of four bachelor apartment units atop the existing 2.5-storey building. An additional bachelor unit is also

proposed to be added at the rear of the basement in the existing building. The proposed building, with the addition and interior remodelling, will have a height of 10.3 metres and a gross floor area (GFA) of 375.61 square metres, and will consist of a total of nine dwelling units, including two four-bedroom units, two one-bedroom, and five bachelor units. An enclosed garbage structure is proposed at the rear of the property, as well as 16 bicycle parking spaces and 38 square metres of amenity area. A Site Plan Control application for the proposal is currently under review.

Summary of requested Zoning By-law amendment

The applicant seeks to rezone the subject site from Residential Fourth Density Zone Subzone UB Urban Exception 480 (R4UB[480]) to include a new Urban Exception to introduce new site-specific provisions to permit the following requested relief:

- Reduced lot area of 232 square metres, whereas 450 square metres is required.
- Reduced lot width of 7.6 metres, whereas 15 metres is required.
- Reduced interior side yard setbacks of 0 metres and 0.81 metres, whereas 1.5 metres is required.
- Reduced rear yard setback of 6.6 metres, whereas 9.15 metres is required.
- Reduction of the area of the front façade that must be recessed an additional 0.6 metres from the front setback line to 0 metres.

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. Comments were received from 10 residents within the community. Comments expressing opposition highlighted design, height, massing and noise as their main concerns.

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

Official Plan designation

2022 Official Plan

According to Schedule A of the Official Plan, the property is located within the Downtown Core Transect Policy Area, which is described as being the historic, geographical, physical, cultural, symbolic and employment hub of the National Capital Region, as well as a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced.

Schedule B1 further identifies the property as being within a Neighbourhood designation, which anticipates built heights of three to four storeys.

Other applicable policies and guidelines

The property is located within the Sandy Hill Secondary Plan (known as the Central and East Downtown Core Secondary Plan under Volume 2A of the new Official Plan), and is identified as Residential Area, Low Profile under Schedule J.

Planning rationale

Official Plan

The site in question is located within the Downtown Core Transect Policy area on Schedule A of the Official Plan. The Policy Area is described as being the historic, geographical, physical, cultural, symbolic and employment hub of the National Capital Region, as well as a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced. It intends on maintaining and enhancing an urban pattern of built form and site design in an attempt to foster the development of 15-minute neighbourhoods. Residential densities sufficient to supporting a full range of services needed in these neighbourhoods is key to achieving this. These higher densities found in the Downtown Core are also intended occur without the provision of parking, or with shared parking facilities.

The property is located within a Neighbourhood Designation under Schedule B1 of the Official Plan. These areas permit building heights within a low-rise range of development and also strive to support the development of the 15-minute neighbourhood, as discussed above. The Neighbourhood policies seek to distribute the allowed densities in a manner which would allow higher densities in areas closer to transit stations, Corridors, and major neighbourhood amenities. The property is located

within 600 metres of the Lees LRT Station, as well as just over 30 metres from Mann Avenue, which is designated as a Minor Corridor on Schedule B1.

Policy 4.2 Housing seeks to enable greater flexibility and an adequate supply and diversity of housing options throughout the City. Section 4.2.1 looks to enable greater flexibility and an adequate supply of housing options in part by allowing housing forms of eight-units or more in appropriate locations. Facilitating these “missing-middle” housing options will further help in the development of the 15-minute neighbourhood.

Policy 4.6 Urban Design seeks to Enable the sensitive integration of new development to ensure Ottawa meets its intensification targets while considering liveability for all. Policy 4.6.6.6 states that 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, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

In order to provide for additional units within the existing building, the proposal includes the construction of an additional storey. Architectural elements such as stepbacks and strategic choices in cladding materials and colours help alleviate any potential massing impacts the proposal would have on its surroundings. The front façade improvements will help improve the building’s presence on the street while maintaining those elements that are traditional to the streetscape, such as ground-level access. The rear yard includes bike storage and waste management facilities, while also including an outdoor amenity space.

Staff are of the opinion that the proposed conversion of an existing three-storey low-rise apartment dwelling to a four-storey low-rise apartment dwelling is in line with Official Plan policies.

Sandy Hill Secondary Plan

The subject site is located within the Sandy Hill Secondary Plan area. This document is intended to guide future growth and change in Sandy Hill. Schedule J identifies the site as being located within a Low-Profile Residential Area. Section 5.3.2.1.a states that the residential areas are intended to preserve and enhance the existing stock of good housing, while accommodating for a wide variety of housing types.

The Secondary Plan also strives to ensure that the scale, form, proportion and spatial arrangement of new development cause minimal intrusion on the sunlight, air and aspect enjoyed by existing adjacent development. It also seeks to ensure that appropriate amenity spaces and landscaped areas are provided.

While the proposal includes the addition of a storey to an existing dwelling, the proposal is within the allowable height for a low-rise apartment dwelling under the current zoning. The rear yard includes a generous amenity area and ample bicycle parking, and a new deciduous tree is proposed at the front of the property. Staff are of the opinion that the proposal is in line with the Sandy Hill Secondary Plan.

Recommended Zoning Details

As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site to include site specific provisions. The following summarizes the site-specific zoning provisions and planning rationale:

- The proposal seeks to facilitate the addition of a storey atop an existing low-rise apartment dwelling. The request for reduction in lot area, lot width, interior side yard setback and rear yard setback are all reflections of the existing building's footprint and siting. Although the proposed height of roughly 10.25 metres is currently permitted under the R4UB zone, the applicant was able to include material changes and slight articulations where possible in an attempt to minimize the impact of the additional height on adjacent properties.
- The addition includes a vertical element above the door on the front façade (see Document 5) where a balcony projection currently exists. While this element adds articulation to the front façade where there currently is none, relief from Section 161(15)(d) is required seeing as less than 20% of the front façade is recessed an additional 0.6 metres from the front setback line.

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

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 associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Plante had the following comments:

My comments as to this development are as follows:

-According to the Site Plan Control Proposal Summary this location is close to an elementary school but I do not see any consideration for family housing in this development.

-There have been complaints by ASH (of which I was a member before being elected) that SLP properties are often neglected and had noise complaints. The developer didn't seem fazed by any of this and I am concerned that there is no mention of this in their application, nor do they seem concerned about how stretched city resources have to continuously respond to these issues.

-I do not see any effort to alleviate the affordable housing crisis, something which we desperately need developers to help with solutions.

-I do agree with the bike storage but share the community's concerns about the tree canopy, the lack of diverse housing options and inconsistencies in the units described (bachelor vs. 2 bedroom).

LEGAL IMPLICATIONS

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. An external planner would need to be retained by the City

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

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*. Staff have no concerns about accessibility.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0134) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the need for multiple revisions, as well as heavy workloads.

SUPPORTING DOCUMENTATION

Document 1	Location Map
Document 2	Proposed Zoning By-law Amendment
Document 3	Consultation Details
Document 4	Proposed Site Plan
Document 5	Proposed Rendering
Document 6	Action Sandy Hill Comments

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the application and proposed Zoning By-law Amendment. The proposal is consistent with the Official Plan policies in the General Urban Area designation as well as the policies contained in the Sandy Hill 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

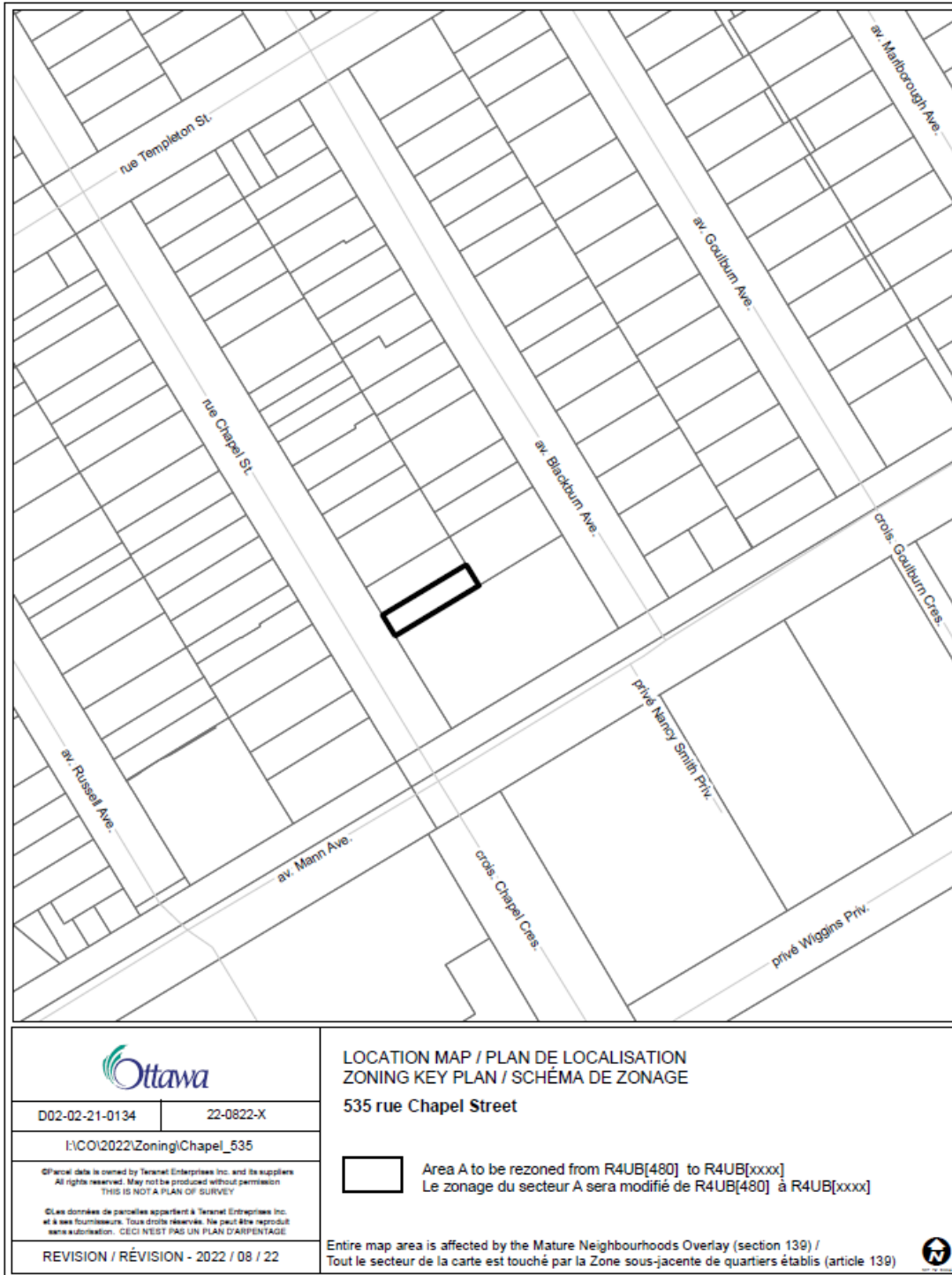
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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](https://geoottawa.ca)

This map identifies the location of the affected property, being on the east side of Chapel Street, north of the Mann Avenue intersection.

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 535 Chapel Street is as follows:

1. Rezone the lands as shown in Document 1.
2. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect as follows:
 - a. In Column II, Applicable Zoning, add the text "R4UB[xxxx]"
 - b. In Column V, include provisions similar in effect to the following:
 - i. Minimum lot area: 232 square metres
 - ii. Minimum lot width: 7.6 metres
 - iii. Minimum rear yard setback: one interior yard may be setback at 0 metres and the other interior setback must be at least 0.8 metres
 - iv. Minimum rear yard setback: 6.5 metres
 - v. Section 161(15)(d) does not apply

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.

Public Comments and Responses:

General

- City planners spent almost 4 years conducting a comprehensive review of the previous R4 standards with a view to accommodating intensification, a painstaking exercise involving all stakeholders, including city staff, developers and residents. Surely, when developing the amendments to the R4 zoning, planners would have thoroughly researched and considered the minimum lot size for a building containing 9-12 units appropriate in a mature neighbourhood such as Sandy Hill. The newly amended bylaw is clear as to lot size requirements for a 9 to 12 unit building codifying a consensus reached by all parties at the time: why grant an exception before the ink on the new bylaw is barely dry?
- The proposed 7 bachelor units (Site Floor and Elevation Plan Attachment 5) is not in keeping with the objectives of the Sandy Hill Secondary Plan aimed at preserving and enhancing Sandy Hill as an attractive residential neighbourhood, especially for family living and providing housing for a broad range of socioeconomic groups. These objectives are reflected in the new Official Plan. Furthermore, what is to stop the applicant from adding more units in the future by remodeling either the first or second floor for a total of 12 units?
- The building in question is surrounded by those with single-occupancy units, and the resident in those units do not take interest in the community in which they live temporarily. More effort should be made to attract actual, less transient tenants.

Staff Response:

Zoning Amendments are meant to allow relief to particular situations which aren't covered by the overarching parent zoning provisions. In this case the proposal seeks to add a storey to an existing building without much change to the existing footprint. Design elements were included to mitigate some of the massing impacts, and the rear yard was designed to appropriately accommodate elements such as garbage, bicycle parking and amenity space for the proposed nine-unit dwelling. The proposed unit mix is

allowed under the Zoning By-law. The Planning Act does not allow the City to plan for a specific group of people or demographic.

Height/Massing

- The increased height of the building at 535 Chapel Street would have a negative impact on the surrounding properties.
- The lot and building is so narrow, the aesthetics look very poor when a 4th story (or 3rd story depending on how you want to actually count them) is stacked on the top. Would some kind of a stepback be possible at the front and possibly rear of the 4th story in order to improve the aesthetics?
- Given the proposed increased height of the building with the addition of the fourth level, no roof-top service equipment should be permitted. It should be contained within the building envelope and not protrude above the level of the flat roof.

Staff Response:

The proposed height is allowed within the R4UB zone. A vertical architectural element above the door is proposed on the front façade. This, along with material changes, will help break up the massing. Roof-top service equipment such as HVAC are not subject to maximum height requirements but are rather described as permitted projections above the height limit.

Noise/Quality of life

- Chapel Street already has a lot of student housing, which is detrimental to the neighbourhood. This proposal would increase the number of student housing and create greater issues.
- Issues related to noise and partying in the neighbourhood will only get worse.

Staff Response:

The Planning Act does not allow the City to plan for a specific group of people or demographic. Issues related to noise are to be dealt with by By-Law Services.

Design/functionality

- This building and its units are not accessible for people with disabilities or seniors. How will the developer address this issue in the new development?

- These are tiny units, even for studio apartments in Ottawa. As we deal with a persistent pandemic with virtual classes and working from home, such tiny units would have questionable appeal and would offer only short-term, transient housing.
- The backyard with its separate garbage structure, grass and no trees or privacy would not offer enjoyment for residents, nor the ability needed to absorb and retain water needed by the community.
- The approval of separate garbage storage structures would increase an already existing rodent problem.

Staff Response:

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Minimum unit sizes are also regulated by the Ontario Building Code. Two existing trees and a hedge are proposed to remain in the rear yard. Adequate property maintenance practices dictate the success and cleanliness of a garbage area, regardless of its location on the property.

Document 5 – Proposed Rendering



Approved for use in accordance with the Ontario Building Code. All other uses are subject to the approval of the relevant authority.



1.	PROJECT NO.	2023-001
2.	PROJECT NAME	338 Chapel Street
3.	CLIENT	Smart Living Properties
4.	DATE	2023-09-15
5.	SCALE	As Shown
6.	DESIGNER	MuzaiKo Architecture
7.	PROJECT TYPE	Proposed Addition

ELEVATIONS

NO.	1
DATE	2023-09-15
PROJECT	338 Chapel Street
SCALE	As Shown
DESIGNER	MuzaiKo Architecture
PROJECT TYPE	Proposed Addition

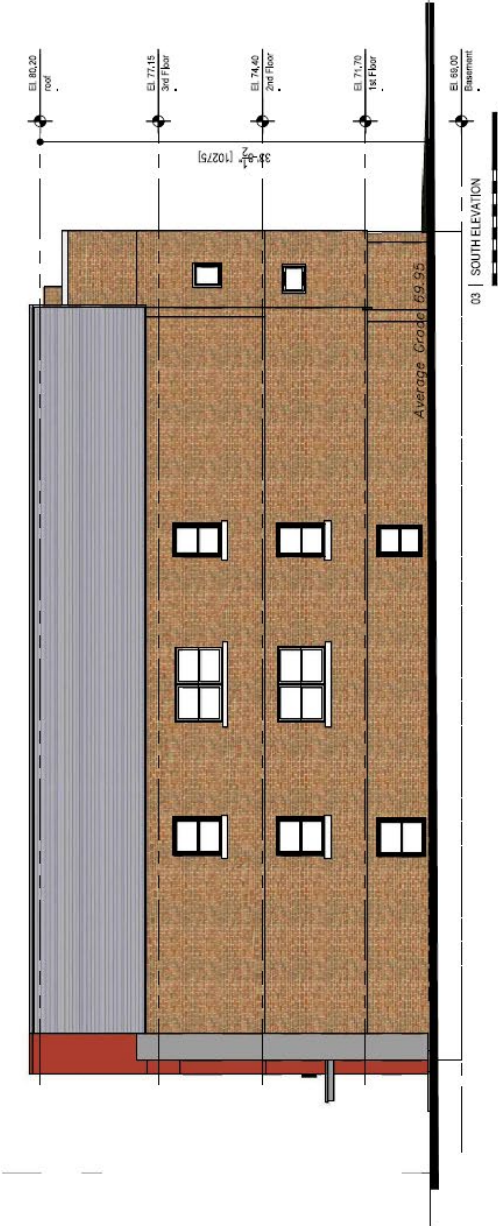
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02 | REAR VIEW



01 | FRONT VIEW



03 | SOUTH ELEVATION