

Subject: Zoning By-Law Amendment – 12, 14, 16, 18, 20, 22 and 24 Hawthorne Avenue

File Number: ACS2023-PRE-PS-0122

**Report to Planning and Housing Committee on 4 October 2023
and Council on 11 October 2023**

**Submitted on September 21, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Capital (17)

**Objet: Modification du Règlement de zonage – 12, 14, 16, 18, 20, 22 et 24,
avenue Hawthorne**

Dossier : ACS2023-PRE-PS-0122

Rapport au Comité de la planification et du logement

le 4 octobre 2023

et au Conseil le 11 octobre 2023

**Soumis le 21 septembre 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne ressource: Eric Forhan, Urbaniste II, Examen des demandes
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REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 12, 14, 16, 18, 20, 22 and 24 Hawthorne, as shown in Document 1, to permit a six-storey mixed-use, mid-rise building with site specific zoning exceptions, as detailed in Document 2.
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 October 11, 2023, 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 la planification et du logement recommande au Conseil d’approuver une modification au *Règlement de zonage* (n° 2008-250) pour les 12, 14, 16, 18, 20, 22 et 24, avenue Hawthorne, comme indiqué dans le document 1, afin de permettre la construction d’un bâtiment polyvalent de hauteur moyenne de six étages assorti d’exceptions de zonage propres à l’emplacement, comme décrit dans le document 2.
2. Que le Comité de la planification et du logement approuve 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 11 octobre 2023 », 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 Recommendation

Planning staff recommend approval of the Zoning By-Law Amendment for 12, 14, 16, 18, 20, 22 and 24 Hawthorne Avenue (the “subject lands”). This application for Zoning

By-Law Amendment covers 12-24 Hawthorne Avenue as contiguous lands under common ownership.

The Zoning By-Law Amendment application proposes to rezone the subject lands from “TM12 [1839] H(14.5)” to “TM12 [XXXX] SYYY” to introduce new site-specific zoning provisions to accommodate the proposed six-storey mixed-use, mid-rise building.

The Zoning By-Law Amendment applications proposes to add the following site-specific zoning exceptions:

- Maximum permitted building heights, minimum setbacks and minimum stepbacks are as per Schedule ‘YYY’, including:
 - o A maximum building height of 20 metres, whereas a maximum building height of 14.5 metres is permitted.
 - o A minimum front yard setback of 1.9 metres for the full width of 12-20 Hawthorne Avenue and a minimum front yard setback of 0.9 metres for the full width of 24 Hawthorne Avenue, whereas the minimum front yard setback is two metres.
 - o An additional minimum front yard setback of 0.6 metres above the fourth storey and an additional minimum front yard setback of 1.25 metres above the fifth storey, whereas an additional front yard setback of two metres is required at and above the fourth storey or 15 metres whichever is the lesser
 - o A decreased rear yard setback of 6.5 metres for a portion of the building at the east end of the site and an increased rear yard setback of 8.2 metres for a portion of the building at the west end of the site, whereas the minimum rear yard setback is 7.5 metres.
- A projection of 1.5 metres above average grade for any part of the underground parking garage in the rear yard, whereas the parking garage is only permitted below grade.
- Non-residential uses must occupy a minimum of 50 per cent of the total floor area on the ground floor, whereas there is currently no minimum requirement for non-residential uses.
- Office uses are not permitted on the ground floor.
- No projecting balconies along the front facade closest to Hawthorne Avenue, whereas balconies are considered permitted projections under Section 65.

- An increase to 67 bicycle parking spaces, whereas 34 bicycle parking spaces are required.

Staff support the proposed Zoning By-Law Amendment as discussed in this report.

Applicable Policies and Guidelines

The following policies and guidelines support this application:

Provincial Policy Statement (PPS) 2020

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

Official Plan

The proposed development is consistent with the Official Plan's strategic policies, growth management framework and urban design policies. The proposed development is mixed-use and represents an appropriate built form along a Mainstreet Corridor within the Inner Urban Policy Transect Area and Evolving Neighbourhood Overlay.

Old Ottawa East Secondary Plan

The proposed development is consistent with the policies of the Old Ottawa East Secondary Plan. The proposal is consistent with the Secondary Plan's built form transition and public realm policies and does not exceed six storeys in height.

Urban Design Guidelines for Development along Traditional Mainstreets

The Urban Design Guidelines for Development along Traditional Mainstreets have been reviewed for consistency. The proposed development is consistent with these guidelines.

The proposed development meets the applicable policies and guidelines, and the Zoning By-Law Amendment is therefore supported by Staff.

Heritage

12 Hawthorne Avenue contains a historic four-unit rowhouse and includes municipal addresses 12, 14, 16, and 18 Hawthorne Avenue. Council listed 12 Hawthorne Avenue on the municipal Heritage Register in 2017. The property is not designated under the *Ontario Heritage Act*. The applicant has met their requirements under *the Ontario Heritage Act* to proceed with the demolition of the existing buildings. A demolition control application has been submitted to the City for review and there are no further heritage related concerns with respect to the above noted addresses.

Urban Design Review Panel (UDRP)

The subject lands are within a Design Priority Area and the Zoning By-law Amendment application and Site Plan Control application were subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP on Friday June 2, 2023, at a formal review meeting. The recommendations from the formal UDRP meeting are provided in Document 4 and were successful in aiding the implementation of several design changes.

Asset Management Implications

Hawthorne Avenue is currently undergoing reconstruction to upgrade existing infrastructure and increase the size of the existing watermain and wastewater infrastructure to support the future redevelopment of the street. The servicing capacity requirements for the proposed development will be confirmed through the Site Plan Control approval process.

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. Comments were received from approximately 30 residents within the community and the Old Ottawa East Community Association.

RÉSUMÉ

Recommandations du personnel

Le personnel de la Planification recommande d'approuver la modification au *Règlement de zonage* pour les 12, 14, 16, 18, 20, 22 et 24, avenue Hawthorne (les « terrains visés »). Cette demande de modification du *Règlement de zonage* couvre les propriétés du 12 au 24, avenue Hawthorne, en tant que terrains contigus appartenant au même propriétaire.

La demande de modification du *Règlement de zonage* propose de changer le zonage des terrains visés de « TM12 [1839] H(14.5) » à « TM12 [XXXX] SYYY » afin d'introduire de nouvelles dispositions de zonage propres à l'emplacement pour accommoder le bâtiment polyvalent de hauteur moyenne de six étages proposé.

La demande de modification du *Règlement de zonage* propose d'ajouter les exceptions de zonage propres à l'emplacement suivantes :

- Les hauteurs de bâtiment maximales permises, les retraits minimaux et les reculs minimaux sont conformes à l'annexe « YYY », notamment :

- Une hauteur de bâtiment maximale de 20 mètres, alors qu'une hauteur de bâtiment maximale de 14,5 mètres est permise.
 - Un retrait minimal de la cour avant de 1,9 mètre pour la pleine largeur des terrains du 12 au 20, avenue Hawthorne et un retrait minimal de la cour avant de 0,9 mètre pour la pleine largeur du 24, avenue Hawthorne, alors que le retrait minimal de la cour avant est de 2 mètres.
 - Un retrait minimal de la cour avant supplémentaire de 0,6 mètre au-dessus du quatrième étage et un retrait minimal de la cour avant supplémentaire de 1,25 mètre au-dessus du cinquième étage, alors qu'un retrait supplémentaire de 2 mètres est exigé à partir du quatrième étage ou de 15 mètres, selon la moins élevée de ces deux valeurs.
 - Une réduction du retrait de la cour arrière à 6,5 mètres pour une partie du bâtiment à l'extrémité est de l'emplacement, et une augmentation du retrait de la cour arrière à 8,2 mètres pour une partie du bâtiment à l'extrémité ouest de l'emplacement, alors que le retrait minimal de la cour arrière est de 7,5 mètres.
- Une projection de 1,5 mètre au-dessus du niveau moyen du sol pour toute partie du garage souterrain dans la cour arrière, alors que le garage de stationnement est uniquement autorisé sous le niveau du sol.
 - Les utilisations non résidentielles doivent occuper au moins 50 pour cent de la superficie totale du rez-de-chaussée, alors qu'il n'y a actuellement aucune exigence minimale pour les utilisations non résidentielles.
 - Les bureaux ne sont pas autorisés au rez-de-chaussée.
 - Aucun balcon en saillie le long de la façade avant la plus proche de l'avenue Hawthorne, alors que les balcons en saillie sont permis en vertu de l'article 65.
 - Augmentation à 67 espaces de stationnement pour vélos, alors que 34 espaces de stationnement pour vélos sont exigés.

Le personnel appuie la proposition de modification du *Règlement de zonage*, comme discuté dans le présent rapport.

Politiques et directives applicables

Les politiques et directives suivantes justifient cette demande :

Déclaration de principes provinciale (DPP) de 2020

Le personnel a examiné cette proposition et a déterminé qu'elle est conforme à la Déclaration de principes provinciale de 2020.

Plan officiel

L'aménagement proposé est conforme aux politiques stratégiques, au cadre de gestion de la croissance et aux politiques de conception urbaine du Plan officiel.

L'aménagement proposé est polyvalent et représente une forme bâtie appropriée le long d'un couloir de rue principale dans le secteur-cadre du transect du secteur urbain intérieur et la zone sous-jacente de quartiers évolutifs.

Plan secondaire du Vieil Ottawa-Est

L'aménagement proposé est conforme aux politiques du Plan secondaire du Vieil Ottawa-Est. La proposition est conforme à la transition de la forme bâtie du Plan secondaire et aux politiques du domaine public et ne dépasse pas six étages.

Directives d'esthétique urbaine pour l'aménagement des grandes rues traditionnelles

Les Directives d'esthétique urbaine pour l'aménagement des grandes rues traditionnelles ont été passées en revue pour en assurer l'uniformité. L'aménagement proposé est conforme à ces directives.

L'aménagement proposé respecte les politiques et les directives applicables, et la modification au *Règlement de zonage* est donc appuyée par le personnel.

Patrimoine

Le 12, avenue Hawthorne comporte une maison en rangée de 4 logements et comprend les adresses municipales 12, 14, 16 et 18, avenue Hawthorne. Le Conseil a inscrit 12, avenue Hawthorne sur le registre municipal du patrimoine en 2017. La propriété n'est pas désignée en vertu de la *Loi sur le patrimoine de l'Ontario*. Le requérant a satisfait à ses exigences en vertu de la *Loi sur le patrimoine de l'Ontario* pour procéder à la démolition des bâtiments existants. Une demande de réglementation de la démolition a été soumise à la Ville aux fins d'examen, et il n'y a plus de préoccupations liées au patrimoine concernant les adresses susmentionnées.

Comité d'examen du design urbain (CEDU)

Les terrains visés se trouvent dans un secteur prioritaire de conception, et la demande de modification du *Règlement de zonage* ainsi que la demande de réglementation du plan d'implantation ont été soumises au processus du Comité d'examen du design urbain (CEDU). Le requérant a présenté sa proposition au CEDU le vendredi 2 juin 2023, lors d'une réunion d'examen officielle. Les recommandations découlant de la

réunion officielle du CEDU sont indiquées dans le document 4 et ont permis la mise en œuvre de plusieurs modifications de conception.

Répercussions sur la gestion des actifs

L'avenue Hawthorne est actuellement en reconstruction afin de mettre à niveau l'infrastructure existante, d'augmenter la taille de la conduite d'eau principale et d'agrandir l'infrastructure des eaux usées pour appuyer le réaménagement futur de la rue. Les exigences en matière de capacité de viabilisation pour l'aménagement proposé seront confirmées par le biais du processus d'approbation des demandes de réglementation du plan d'implantation.

Consultation et commentaires du public

La notification et la consultation du public se sont déroulées conformément à la Politique sur les avis publics et sur la consultation publique approuvée par le Conseil municipal pour les modifications du *Règlement de zonage*. Environ 30 résidents de la communauté et de la Old Ottawa East Community Association ont fait des commentaires.

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

12, 14, 16, 18, 20, 22 and 24 Hawthorne Avenue

Owner

JB Holdings Inc. (c/o John Bassi)

Applicant

Fotenn Planning + Design (c/o Scott Allain)

Architect

RLA Architecture (c/o Robert Verch)

Description of subject lands and surroundings

The subject lands are found on the south side of Hawthorne Avenue, between Colonel By Drive to the west and Main Street to the east, within the Old Ottawa East community. The subject lands are generally rectangular in shape and relatively flat. The subject lands have a frontage of approximately 50 metres along Hawthorne Avenue, an average lot depth of approximately 29 metres and a lot area of approximately 1,460 square metres. The existing hydro lines in front of the property are being buried as a part of the infrastructure improvements which are currently underway along Hawthorne Avenue. There are existing heritage buildings on a portion of the subject lands.

The area surrounding the subject lands is characterized by a mix of commercial, residential and institutional uses. Hawthorne Avenue, an arterial road and mainstreet corridor, is located to the north. Residential uses and the Old Town Hall Community Centre are located to the east. More residential uses and several schools are found to the south. Colonel By Drive, National Capital Commission (NCC) lands and the Rideau Canal, a UNESCO World Heritage Site, are found to the west. The subject lands score a 9 (the top score) on the 15-minute neighbourhood index as it relates to service and amenity access. This confirms that the subject lands reside within an established 15-minute neighbourhood. Hawthorne Avenue is being upgraded with below grade infrastructure and sidewalks. Finally, the subject lands are approximately 1km away from the Lees O-Train station.

Summary of proposed development

The proposed development consists of a six storey mixed-use building with approximately 67 dwelling units, 47 vehicle parking spaces, 72 bicycle parking spaces and 300 square metres of ground floor commercial space. The proposed amenity space total is approximately 750 square metres, including private balconies, a communal rooftop area, and at-grade amenity spaces in the rear yard. Parking, bicycle storage, waste storage and loading is mostly internalized within the building and in the underground parking garage, which is proposed to be accessed from Hawthorne Avenue, at the northeast corner of the proposed building.

Since the original proposal, the proposed development has evolved in response to Staff, UDRP and community comments. The applicant team has implemented the following main changes in response to the feedback provided:

- Increased the front yard setback.
- Additional building setbacks at varying heights.
- Introduced ground floor commercial uses, whereas none was originally proposed.
- Increased number of two-bedroom and two-bedroom plus den dwelling units.

- Increased bicycle parking spaces, from 36 to 72 spaces.
- Relocated parking garage entrance to the northeast corner of the proposed building.
- Reduced regular and visitor vehicle parking spaces, from 50 to 47 spaces.
- Added tree plantings at the rear and along the site's frontage.
- Removed projecting balconies along the front façade to provide sufficient room in the front yard/ public right-of-way for tree canopy growth.
- Added fencing/ privacy screens to improve relationship with abutting properties.

Summary of requested Zoning By-law amendment

Planning staff recommend approval of the Zoning By-Law Amendment for 12, 14, 16, 18, 20, 22 and 24 Hawthorne Avenue (the "subject lands"). This application for Zoning By-Law Amendment covers 12-24 Hawthorne Avenue as contiguous lands under common ownership.

The Zoning By-Law Amendment application proposes to rezone the subject lands from "TM12 [1839] H(14.5)" to "TM12 [XXXX] SYYY" to introduce new site-specific zoning provisions to accommodate the proposed six-storey mixed-use, mid-rise building.

The Zoning By-Law Amendment applications proposes to add the following site-specific zoning exceptions:

- Maximum permitted building heights, minimum setbacks and minimum setbacks are as per Schedule 'YYY', including:
 - A maximum building height of 20 metres, whereas a maximum building height of 14.5 metres is permitted.
 - A minimum front yard setback of 1.9 metres for the full width of 12-20 Hawthorne Avenue and a minimum front yard setback of 0.9 metres for the full width of 24 Hawthorne Avenue, whereas the minimum front yard setback is 2 metres.
 - An additional minimum front yard setback of 0.6 metres above the fourth storey and an additional minimum front yard setback of 1.25 metres above the fifth storey, whereas an additional front yard setback of 2 metres is required at and above the fourth storey or 15 metres whichever is the lesser.

- A decreased rear yard setback of 6.5 metres for a portion of the building at the east end of the site and an increased rear yard setback of 8.2 metres for a portion of the building at the west end of the site, whereas the minimum rear yard setback is 7.5 metres.
- A projection of 1.5 metres above average grade for any part of the underground parking garage in the rear yard, whereas the parking garage is only permitted below grade.
- Non-residential uses must occupy a minimum of 50 per cent of the total floor area on the ground floor, whereas there is currently no minimum requirement for non-residential uses.
- Office uses are not permitted on the ground floor.
- No projecting balconies along the front facade closest to Hawthorne Avenue, whereas balconies are considered permitted projections under Section 65.
- An increase to 67 bicycle parking spaces, whereas 34 bicycle parking spaces are required.

Staff support the proposed Zoning By-Law Amendment as discussed in this report.

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 approximately 30 residents within the community and the Old Ottawa East Community Association.

Public comments received helped to implement several design changes including, but not limited to, public realm improvements, an increased front yard setback, the provision of commercial uses on the ground floor and an increase in the bicycle parking rate to reduce automobile dependency.

For this proposal's consultation details, see Document 5 of this report.

Official Plan

Section 2 of the Official Plan provides the strategic direction for the City through a range of broad policies that prioritize intensification (urban redevelopment) over greenfield development to increase and diversify the supply of housing; sustainable modes of transportation over automobile reliance; the creation of healthy and inclusive urban communities; greater environmental resilience and sustainability; and an increased focus on economic development.

Section 3 of the Official Plan provides the growth management framework for the City and Section 4 of the Official Plan provides urban design policies. Section 3 supports intensification with policies that direct residential growth to focus within 15-minute neighbourhoods, such as Hubs and Corridors, where mixed-use development is the preference and sustainable modes of transportation are to be prioritized. Section 4 provides direction for development within Design Priority Areas, which includes Mainstreet Corridors such as Hawthorne Avenue. Mid-rise development along Mainstreet Corridors shall respond to context and transect area policies and should be consistent with the design standards of Section 4.6.6 of the Official Plan, which generally call for an appropriate built form transition and effective site design.

Section 5 of the Official Plan provides policies for the City's six concentric policy areas called transects. Schedule 'A' of the Official Plan shows the subject lands within the Inner Urban Transect Policy Area. This transect policy area consists of pre-World War II neighbourhoods that immediately surround the Downtown Core and the earliest post-World War II areas directly adjacent to them. This policy area reflects urban and suburban built form and site design characteristics. The intended development pattern is urban. The Inner Urban Transect Policy Area is generally planned for mid- to high-density development, especially within areas close to transit, mixed-use environments and on sites where built form and height transition can be logically achieved to ensure compatibility between different built forms and densities.

Section 6 of the Official Plan provides the urban designations with specific policy direction for permitted land uses. Schedule 'B2' of the Official Plan designates the subject lands as "Mainstreet Corridor", subject to an Evolving Neighbourhood Overlay. Mid-rise and high-rise building heights are permitted along Mainstreet Corridors within the Inner Urban Transect Policy Area, depending on right-of-way/road width and whether there is a sufficient lot size provided to achieve built form transition. Within the Inner Urban Transect Policy Area, the maximum building height is up to nine storeys for sites that front on segments of streets whose right-of-way is narrower than 30 metres and where a secondary plan or area-specific policy does not specify different building heights.

Old Ottawa East Secondary Plan

The subject lands are designated Mainstreet and are found in Policy Area 1 of the Old Ottawa East Secondary Plan. Section 2 of the Secondary Plan provides the General Land Designation and Design Policies, while Section 3.1 of the Old Ottawa East Secondary Plan provides the applicable policies for properties designated ‘Mainstreet’ within Policy Area 1.

As per Section 2.4, the intensification target for Policy Area 1 is 150 dwelling units.

The Secondary Plan does not provide a maximum building height schedule and Section 3.1 of the Secondary Plan does not prescribe a maximum building height for the Mainstreet designation within Policy Area 1. Rather, Section 2.1(2), which contains the General Land Designation and Design Policies, provides the policy direction for maximum building heights:

“Notwithstanding the provision for greater building heights set out in the Official Plan, no buildings will be allowed higher than six storeys and 20 metres within the area of this secondary plan, other than the height limits allowed within the policy areas referred to in Section 3.3 of this secondary plan.”

Despite the height allowance of nine (9) storeys for properties fronting along Mainstreet Corridors within the Inner Urban Transect Policy Area, the maximum building height is six (6) storeys as per the above-noted policy in the Secondary Plan.

Heritage

12 Hawthorne Avenue contains a historic four-unit rowhouse and includes municipal addresses 12, 14, 16, and 18 Hawthorne Avenue. Council listed 12 Hawthorne Avenue on the municipal Heritage Register in 2017. The property is not designated under the *Ontario Heritage Act*. The Ontario Heritage Act requires owners to provide 60 days’ notice, in writing, of their intention to demolish a building listed on the Heritage Register.

The *Ontario Heritage Act* requirement for 12 Hawthorne Avenue has been met; the 60-day notice of intention to demolish expired on April 18th, 2023. The applicant has therefore met their requirements under the Ontario Heritage Act to proceed with the demolition of the existing buildings. A demolition control application has been submitted to the City for review and there are no further heritage related concerns with respect to the above noted addresses.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law Amendment application and Site Plan Control application were subject to the Urban Design Review

Panel (UDRP) process. The applicant presented their proposal to the UDRP on Friday June 2nd at a formal review meeting.

The recommendations from the formal UDRP meeting are provided in Document 4 and were successful in aiding the implementation of the following design changes:

- The introduction of a building setback above the fourth storey along the west side yard, to support the replicability of a mid-rise on the adjacent lot to the west.
- The removal of the projecting balconies along the north façade in favour of recessed Juliet / inset balconies to allow for more room for tree canopy growth in the front yard / public realm.
- Additional windows to incorporate enhanced natural lighting.
- Additional planting at the rear to create a more solid green barrier/ screening from the low-rise properties to the south.
- Materiality changes that relate better to the surrounding character and context.
- The introduction of a canopy above the main entrance to enhance visibility and readability of the building, its uses and the individual entrances.
- The mechanical penthouse has been reduced in size.

Staff are satisfied with the changes made in response to the UDRP recommendations.

Planning rationale

Official Plan

The proposed development is consistent with the strategic policies (Section 2) of the Official Plan that prioritize the intensification of existing land within the built-up urban area to meet the City's housing targets. The proposed development is also consistent with the City's transportation and economic objectives by prioritizing sustainable transportation with an increased bicycle parking rate of at least 1 space per dwelling unit and by providing commercial uses of at least 50 per cent of the total floor area on the ground floor, with active entrances facing Hawthorne Avenue.

The proposed development is consistent with the growth management framework policies as it focusses commercial and residential growth along a Mainstreet Corridor, within an established 15-minute neighbourhood and close to rapid transit, as discussed. The proposed development is also consistent with the City's urban design direction for Mainstreet Corridors, including the design policies that call for mid-rise built forms along

Corridors to respond to context and the policies of the relevant transect area. The proposed development provides an appropriate built form transition, an enhanced public realm and effective site design, consistent with the policy direction of Sections 3 and 4 of the Official Plan.

The proposed development is consistent with the policy direction for Mainstreet Corridors (Section 6) within the Inner Urban Transect Policy Area (Section 5). The proposed development provides a high-density built form that is mixed-use. The subject property is of sufficient size to accommodate built form transition and the proposed height of six-storeys is appropriate based on the width of the abutting right-of-way. The proposed podium heights are proportionate to Hawthorne Avenue and the proposed stepbacks and setbacks at the rear provide an appropriate transition to the low-rise residential uses to the south.

The proposal is therefore consistent with the policies of the Official Plan.

Old Ottawa East Secondary Plan

The proposed development is consistent with the policies of Section 2.1 of the Old Ottawa East Secondary Plan by providing transition through built form and by providing an improved public realm along the site's frontage. The proposal further provides sufficient room for tree planting with the proposed front yard setback.

The proposal will help to achieve the intensification target for Policy Area 1 of Section 2.4, being 150 dwelling units.

The proposed development is consistent with the policies of Section 3.1 by providing a stepped building envelope that generally conforms the Traditional Mainstreet (TM) zoning and is consistent with its requirements. The proposed Zoning By-Law Amendment details are considered minor deviations from the current TM zoning. Wider sidewalks will be achieved through road widening and conveyance, to be confirmed through the Site Plan Control approval process.

Furthermore, the proposal does not exceed the maximum building height of six-storeys and as previously mentioned, is consistent with the policies which guide development along Mainstreet Corridors within the Inner Urban Transect Policy Area.

The proposal is consistent with the policies of the Old Ottawa East Secondary Plan.

Urban Design Guidelines for Development along Traditional Mainstreets

The Urban Design Guidelines for Development along Traditional Mainstreets were reviewed for consistency. The proposed development is mixed-use and includes ground floor commercial with active entrances for each of the proposed commercial tenants and

the proposed residential use. The front façade provides a street wall with periodic breaks and minor variations in building setbacks and stepbacks. The proposal achieves a high-quality built form that is compatible with and complements its surroundings.

The proposal is consistent with the Urban Design Guidelines for Development along Traditional Mainstreets.

Details of the Zoning By-Law Amendment

- Maximum permitted building heights, minimum setbacks and minimum stepbacks as per Schedule 'YYY'

The proposed development seeks to establish maximum permitted building heights, minimum setbacks and minimum stepbacks as per Schedule 'YYY'. This request seeks to amend the maximum building height, the minimum front yard setback, the minimum front yard setback at and above the fourth storey and the minimum rear yard setback.

The proposal seeks to increase the maximum building height, from 14.5 metres to 20 metres. As previously mentioned, the proposed height of six storeys is supported by the applicable policies and guidelines and there is sufficient transition provided through the proposed built-form. Additionally, proximity to rapid transit and location within an established 15-minute neighbourhood both support intensification at this site. In Staff's opinion, the minor deviation from the 45-degree angular plane zoning provision of the TM Zone and the proposed height increase are appropriate.

The proposed front yard setback of 1.9 metres for most of the site's frontage is a slight decrease from the minimum front yard setback of 2 metres. The proposed front yard setback of 0.9 metres, at the site's east end, is due to lot configuration. Road widening/conveyance was already taken by the City for 24 Hawthorne Avenue. Since the original submission, the front yard setback has increased from 1.7 metres to 1.9 metres and from 0.7 metres to 0.9 metres in response to concerns raised by both Staff and the public. Although the existing zoning requires a minimum front yard setback of 2 metres, there is typically no minimum front yard setback as per the Traditional Mainstreet (TM) Zone. Staff are satisfied with the changes to the front yard setback and believe there is sufficient room to accommodate an improved public realm, including tree plantings in the City's right-of-way. Road widening/conveyance will be confirmed through the Site Plan approval process. In Staff's opinion, the proposed front yard setbacks are appropriate.

The proposal seeks to provide an additional minimum front yard setback of 0.6 metres above the fourth storey and an additional minimum front yard setback of 1.25 metres above the fifth storey, whereas an additional front yard setback of 2 metres is required

at and above the fourth storey or 15 metres whichever is the lesser. Together, the proposed setbacks total 1.85 metres more than the provided front yard setback. The variation in setbacks at various heights and the proposed building articulations are supported by the applicable design guidelines. The setback reduction constitutes a minor deviation from the current zoning requirement. In Staff's opinion, the proposed additional front yard setbacks are appropriate.

Although the proposal seeks a reduction in the minimum rear yard setback for the most eastern part of the building, a significant portion of the proposed building meets or exceeds the minimum rear yard setback of 7.5 metres. Schedule 'YYY' includes an increased minimum rear yard setback of 8.2 metres to ensure separation between the most western part of the building and the rear lot line. The rear yard is landscaped with soft landscaped areas, trees and fencing, which all provide screening which will help to mitigate some privacy and overlook concerns. In Staff's opinion, the proposed rear yard setbacks are appropriate.

- Underground parking garage in the rear yard

The current zoning does not allow for an above grade parking garage. A small portion of the parking garage in the rear yard projects above the average grade. To mitigate overlook and privacy concerns, the top of the parking structure will be landscaped with trees/ shrubs and the edge of the parking structure closest to the rear lot line will be screened (e.g. fencing). Details will be confirmed prior to Site Plan approval. Staff are supportive of this request.

- Minimum requirement for non-residential uses

In response to Staff comments and public concerns, the applicant has agreed to add a minimum requirement for non-residential uses. The existing zoning permits residential uses to a maximum of 50 per cent of the ground floor area. This zoning by-law amendment provides clearer direction through a site-specific zoning exception which would require non-residential uses to be at least 50 per cent of the total floor area on the ground floor. Staff are supportive of the changes made to the proposal as well as the addition of a minimum requirement for ground floor commercial.

- No office uses permitted on the ground floor

The current zoning does not permit office uses on the ground floor. This zoning by-law amendment proposes to maintain this current zoning provision and Staff are supportive.

- Inset/ Juliet balconies along the front façade closest to Hawthorne Avenue

Staff, the UDRP and the community raised concerns with the front yard area. To provide better spacing from the front lot line to accommodate tree canopy growth, the applicant has revised their proposal to include no projecting balconies along the front façade. This zoning by-law amendment proposes to restrict projecting balconies accordingly and Staff are supportive.

- **Minimum Bicycle Parking Rate**

Staff and the community raised concerns with an automobile dependent development proposal. In response, the applicant has agreed to increase the bicycle parking rate through the proposed zoning by-law amendment, from 0.5 spaces per dwelling unit to 1 space per dwelling unit. Staff support the proposed increase in the bicycle parking rate.

Staff support the proposed Zoning By-Law Amendment.

Provincial Policy Statement

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

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Initially this application asked for an amendment to the zoning requirement for ground floor commercial. We were unhappy to see this, especially as the requirement for ground floor commercial was only added late last term of council. This was an initiative of our office that involved consultation with the community—who were overwhelmingly in favour of the zoning update. This was something our office had pursued after receiving feedback from the local community association that ground floor commercial had been envisaged for Hawthorne under the previous community development plan, and after discovering that the reason this did not find expression in the current zoning was more or less an oversight. Once the applicant was made aware of this context, they agreed to withdraw their ask to remove the requirement despite their concerns that the market for commercial tenants was more volatile. We are thankful that they were willing to do this. Old Ottawa East has a relative paucity of commercial amenities per capita when compared to other neighbourhoods in Capital Ward, and opportunities for such amenities on Hawthorne can help fill that gap.

Another significant concern for our office was the displacement of several tenants on site that would be needed to facilitate this application.

The units that existed at this site were being rented out far below the current market average thanks to rent control in Ontario. This is the often unspoken reality of urban intensification: low-density residential with affordable units are being replaced by higher density residential with units that are not at all affordable. Of course, there are major problems with Ontario's rent control provisions: not only do they not preserve rent prices when there is a turn over in a unit, the province has removed rent control altogether for anything built after 2018. Recent provincial changes to the municipal planning process to ostensibly solve the housing crisis through increased supply have happened alongside the province removing our ability to charge development charges for actual affordable housing (capital dollars for non-market housing), and removing our ability to develop a rental replacement bylaw. That and the end of rent control for new builds starting in 2018 tells us everything we need to know about the provincial government's commitment to solving the affordable housing crisis. As a city, we should be careful not to allow arguments for supply-side solutions to the affordability crisis to provide cover for gentrification.

For this application, we were fortunate enough to be working with a local developer—a resident of Capital Ward—that has a real stake in our communities. My office worked with the former tenants of this site and the applicant, and the latter agreed to voluntarily provide financial relief to the former who have since been displaced (\$12,000 per household). We are grateful for the applicant's willingness to provide assistance to our residents despite not being required to do so under the existing regulatory environment.

Tenant displacement protections, such as a rental replacement bylaw, are desperately needed if we are to stop losing 7 affordable housing units for every new unit added in Ottawa. Not every applicant is as willing as this one to voluntarily assist those impacted by their developments.

The current policy direction under the city's new Official Plan calls for up to 9 storeys on inner urban corridors like Hawthorne Avenue; despite this, a 6 storey is proposed here in acknowledgement of the low-rise residential to the south of the property, and in recognition of the existing secondary plan. As the first redevelopment on the Hawthorne Ave corridor in a generation, and the first since the adoption of the new OP, this application will set a good precedent for the street. We appreciate that an amendment to the OOESP was not sought here.

On setbacks, concerns have been partially addressed by the applicant. Increased and additional setbacks were introduced after feedback was received from the community. Those moves are appreciated despite them falling short of what the community had asked for. A row of trees, facilitated by a large planter, has also been proposed for the rear yard to help mitigate concerns related to rear yard setbacks, and to also replace

the two trees that will be lost in the rear yard as the result of the underground parking lot.

Parking was another point of contention on this application. Both our office and the local community wanted the proposed parking not to exceed the minimum requirement under zoning. The applicant has, in response, removed a few parking stalls, replacing them with more bike parking instead, and that is a welcome change; however, the number of parking stalls proposed still exceeds the minimum requirement, and we would have liked to see the parking on site further reduced.

The underground parking structure itself makes it difficult for large trees to be viable on this site. At the front lot line, the applicant was able to lower the ceiling of the underground parking structure through introducing a slant that would see the ceiling angled downward before meeting the wall at the front lot line. This will give more space for trees to thrive and to grow larger at the front. This solution worked with the proposed layout of the garage given the frontends of cars would still have the vertical space needed to pull up to the wall. We hoped a similar change could be made at the rear lot line, but unfortunately this is not feasible due to the space required by the parking garage ramp. This garage ramp itself was moved to the east of the building instead of the west, and further inset, after traffic concerns were raised.

All in all we have ended up with a positive application for 12-24 Hawthorne Ave, and I encourage my colleagues to support it. I want to thank both the applicant and residents for working hard on this application to get it to a better place.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendations of this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

Hawthorne Avenue is currently undergoing reconstruction to upgrade existing infrastructure and increase the size of the existing watermain and wastewater infrastructure to support the future redevelopment of the street. At this time, the existing services do not have the capacity to support the proposed development. However, there will be sufficient capacity to support the proposed development following the renewal project which is expected to be completed within the short-term. The servicing capacity requirements will be confirmed through the Site Plan Control approval process.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

Staff have been advised by the Accessibility Advisory Committee (AAC) regarding the potential accessibility impacts of the proposed development. As it relates to the details of the Zoning By-Law Amendment, Staff do not have any concerns. Accessibility requirements for the development will be met through the Site Plan approval process or at the time of building permit in accordance with the Ontario Building Code and applicable by-laws.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0096) 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 to the development proposal.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Schedule 'YYY'

Document 4 Urban Design Review Panel (UDRP)

Document 5 Public Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the application and the proposed Zoning By-law Amendment details.

The proposal is consistent with PPS 2020; is consistent with the applicable Official Plan and Secondary Plan policies; and aligns with the Urban Design Guidelines for Development along Traditional Mainstreets.

The proposal represents an appropriate mid-rise built form for a Mainstreet Corridor that is supported by policy and provides transition to the surrounding low-rise residential context. The proposed mixed-use component supports the vision of the Old Ottawa East Secondary Plan and responds to UDRP recommendations, Staff comments and the community feedback received.

The proposal represents good planning and, for the reasons stated above, Staff recommend 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 and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

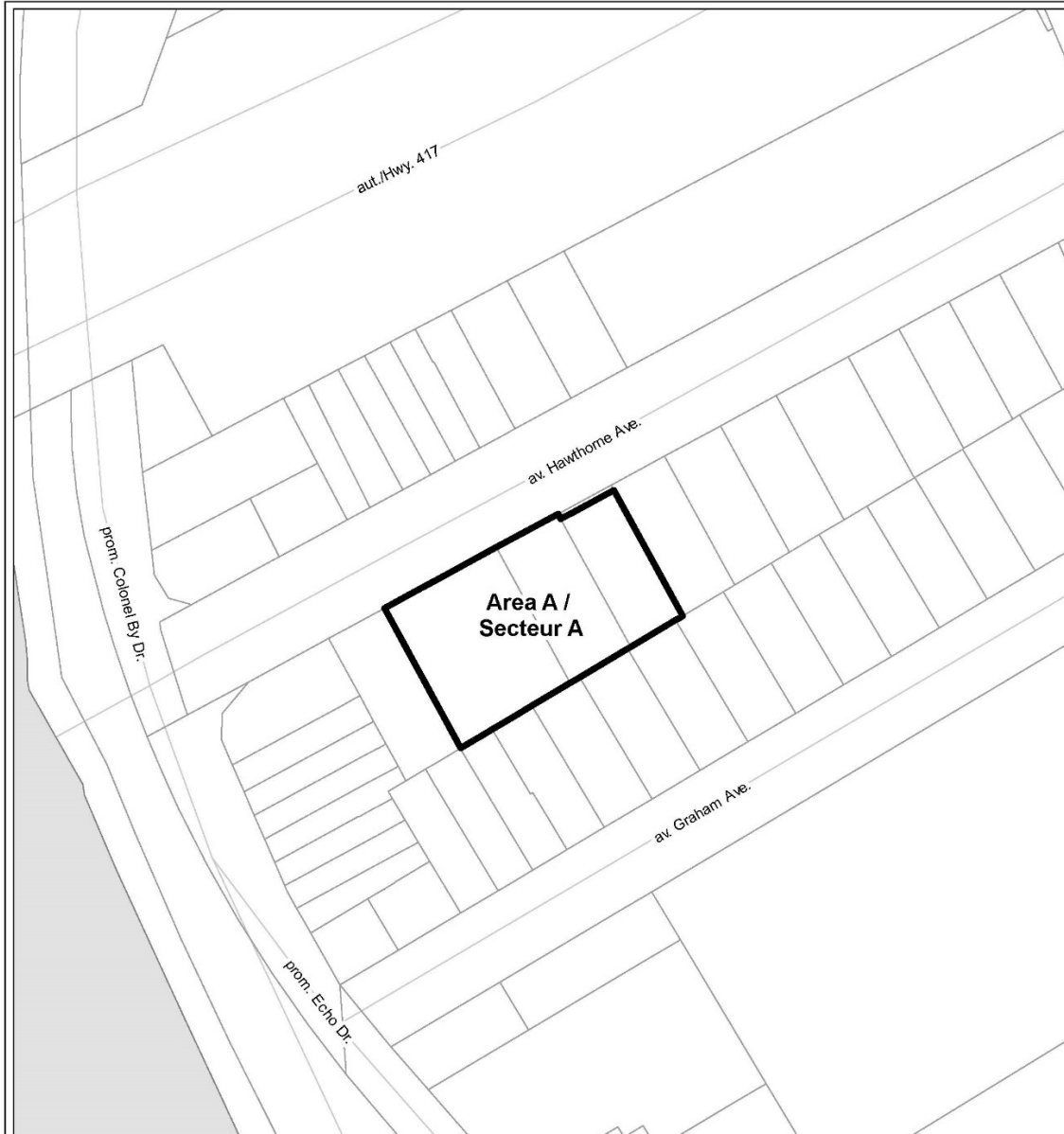
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Zoning Key Map

For an interactive Zoning map of Ottawa visit geoOttawa



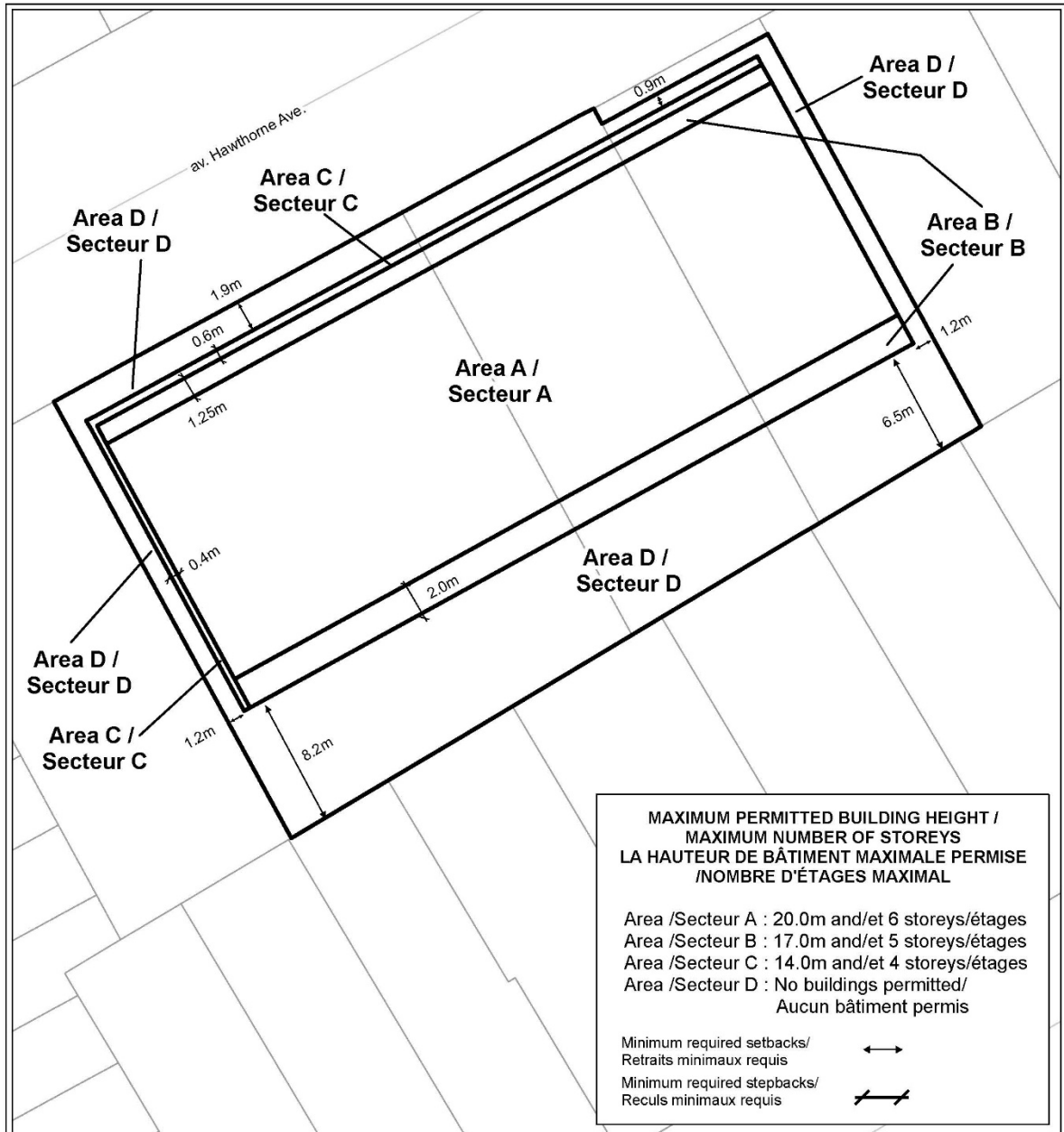
| | | | |
|---|-----------|--|--|
|  | | LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE | |
| D02-02-22-0096 | 23-0824-X | 12, 14, 16, 18, 20, 22, 24 avenue Hawthorne Avenue | |
| I:\COV2023\Zoning\Hawthorne_12_24 | |  Area A to be rezoned from TM12[1839] H(14.5) to TM12[XXXX] SYYY Le zonage du secteur A sera modifié de TM12[1839] H(14.5) à TM12[XXXX] SYYY | |
| <small>©Parcel data is owned by Terranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small> | | 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) | |
| REVISION / RÉVISION - 2023 / 09 / 07 | |  | |


Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 12, 14, 16, 18, 20, 22 and 24 Hawthorne Avenue.

1. Rezone lands as shown in Document 1.
2. Amend Section 239 – Urban Exception, by addition a new exception [xxxx], with provisions similar in effect to the following:
 - a. In Column II, add the text, “TM12[xxxx] S[YYY]”;
 - b. In Column V, add provisions similar in effect to the following:
 - i. Maximum building heights, minimum setbacks and minimum stepbacks are as per Schedule ‘YYY’.
 - ii. Section 197(12)(b) does not apply.
 - iii. Schedule ‘YYY’ does not apply to the portion of the underground parking garage in the rear yard that is permitted to project up to a maximum of 1.5 metres above grade.
 - iv. Non-residential uses must occupy a minimum of 50 per cent of the total floor area on the ground floor.
 - v. Office uses are not permitted on the ground floor.
 - vi. Balconies above the first floor along the front façade may not project beyond the setbacks in Schedule ‘YYY’.
 - vii. Minimum bicycle parking rate: 1 space per dwelling unit.

Document 3 – Schedule ‘YYY’






| | |
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| D02-02-22-0096 | 23-0749-X |
| I:\CO\2023\Zoning\Hawthorne_12_24 | |
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**This is Schedule ___ to Zoning By-law No. 2008-250
Annexe ___ au Règlement de zonage n° 2008-250**

This is Attachment ___ to By-law Number ____, passed ____, 2023
 Pièce jointe n° ___ du Règlement municipal n° ____, adopté le ____, 2023


NOT TO SCALE

Document 4 – Urban Design Review Panel

18 Hawthorne Avenue | Formal Review | Zoning By-law Amendment & Site Plan Control Application | JB Holdings Inc., JBPA Developments Inc., Roderick Lahey Architect, Fotenn Planning + Design

Key Recommendations

- The Panel recommends introducing side-yard step-backs at the upper two floors on the east and west façades, allowing for more glazing and lighting at the top of the building.
 - The Panel recommends increasing the amount of glazing on the upper two floors and improving the aesthetic of the building as viewed from the Rideau Canal.
- The Panel recommends inset balcony nooks or Juliet balconies on the north façade facing Hawthorne Avenue.
 - The Panel recommends continuing the red brick material treatment to the ground level.
 - The Panel has concerns with the projected balconies on the north façade and the change in colouration of materials at the ground level.
- The Panel has concerns with the placement of the building and urges the proponent to consider aligning the north façade with the adjacent buildings on the street.
 - Currently, the proposed design sits slightly closer to the street than adjacent properties and the Panel recommends setting the façade back to give space for street trees and to align properly with the other buildings on the street (approx. 2.7 metres setback from property line).
 - Adjusting the alignment of the north façade along Hawthorne Avenue would reduce the Panel's concerns regarding the soil volume necessary to support street trees and the overhanging balconies interfering with them.

Site Design & Public Realm

- The Panel appreciates the challenging nature of accessing the underground parking on a shallow site.
- The Panel has concerns with the opaque wall facing neighbours' backyards in the rear.

- Consider design solutions to mitigate that overlook condition with the neighbours.
- The Panel appreciates the inclusion of commercial at-grade and the potential for a good mixed-use street along Hawthorne Avenue.
- The Panel suggests further investigation into the design at ground level is needed to best support the commercial uses.
 - Consider the importance of the pedestrian realm in supporting commercial activity.
- The Panel appreciates that the typology of the lots and the existing fabric is challenging.
- The Panel has concerns with the lack of a continuous street-wall and the potential issues that may create.
- The Panel has concerns with the rear-yard raised wall and the viability of the trees in raised planters.
 - Ensure trees will survive and thrive to help the overlook condition in rear-yard and to mitigate the heat island effect.

Sustainability

- The Panel suggests undertaking a larger future context study of all the soft development sites in the area would be beneficial for the City.

Built Form & Architecture

- The Panel recommends changing the cantilever balconies on the north façade to inset balconies or Juliet balconies. Consider how doing so would improve the condition/useability for residents, improve the condition for the street/sidewalk, and improve the building in terms of sustainability.
- The Panel appreciates the overall design of the building and the use of red brick and colour to help tie the building into the streetscape.
- The Panel recommends stepping the sidewalls back on the upper two floors to trim the bulk of the building and allow for unrestricted glazing, creating a lantern effect.
- The Panel appreciates that the area is undergoing a major transition and appreciates the proponents providing mixed-use with commercial at grade.

- The Panel recommends giving more consideration to the replicability of the development for other properties along Hawthorne Avenue.
 - Ensure that if more buildings of this type are developed next door, that there is sunlight coming through in a better way.
 - Consider stepping back on the east and west sides.
- The Panel has strong concerns with the shallow setbacks along Hawthorne Avenue, and the condition it creates for street trees and future pedestrian use.
 - The Panel recommends aligning the building façade to create a consistent street-wall line with adjacent buildings which setback further (consider the approx. 2.7 metre setback for adjacent heritage building façade).
 - The Panel recommends also introducing inset or Juliet balconies on the lower floors to improve the condition of the street and the relationship between the building and the pedestrian realm.
 - The Panel suggests the current proposal creates too much of a pinch between the building and the public realm on Hawthorne Avenue and recommends the condition be mitigated in some way to allow for better use of the sidewalk and relationship with the street.
- The Panel is supportive of the scale of the building for this area and context.
- The Panel recommends continuing the red brick to the ground level; a change in material is not necessary for the ground level.
- The Panel recommends providing more height at the main residential entrance to the building to distinguish it from commercial uses at-grade.
- The Panel recommends avoiding overhanging balconies on the lower floors to help highlight the entrance doorways and support the commercial activity.
- The Panel recommends reducing the size of the mechanical penthouse to be as small as possible and giving more of the rooftop space back to amenity space.

Document 5 – Public Notification

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. Comments were received from approximately 30 residents within the community and the Old Ottawa East Community Association.

Comments Theme 1: Housing

Comments:

- Concerns with displacement and homelessness
- Concerns regarding the availability and affordability of housing, including rental options, in this neighbourhood.
- Concerns regarding the high number of one-bedroom apartment units being proposed as compared to the lack of larger/ family-sized apartment units.
- Concerns regarding the proliferation and trend of condo-type housing in this neighbourhood.

Responses:

- The developer has advanced individually with the tenants currently on the subject lands. Under supervision of the Ward Councillor, agreements have been signed in relation to their relocation to help mitigate the increased cost of living that existing tenants will face with the displacement resulting from the redevelopment of the subject lands.
- The proposal provides rental housing and adds to the local rental housing stock. To Staff's knowledge, the applicant is not proposing a plan of condominium.
- The applicant has revised their plans to address public concerns regarding the lack of larger/ family-sized units being provided through the proposed development. Almost 50 per cent of the units are two-bedroom and two-bedroom plus den. The total number of two-bedroom and two-bedroom plus den units have increased from 25 to 31 dwelling units in response to the feedback provided by both Staff and the public.

Comments Theme 2: Ground floor commercial

Comments:

- Concerns regarding the lack of ground floor commercial space in relationship to the traditional mainstreet character of Hawthorne Avenue.
- Comments in opposition to residential and other similar uses at the ground floor in favour of ground floor commercial uses that activate the adjacent street/ public realm and support the 15-minute neighbourhood.

Responses:

- In response to Staff and the many public comments received on this item, the developer has committed to provide ground floor commercial uses at a rate of at least 50 per cent of the total area of the ground floor. The proposed Zoning By-Law Amendment will include a site-specific zoning exception that requires ground floor commercial uses accordingly.
- To support the activation of the street/ public realm and the 15-minute neighbourhood concept, ground floor residential uses are proposed at the rear and no offices will be permitted on the ground floor. The proposed Zoning By-Law Amendment will prohibit office uses on the ground floor.

Comments Theme 3: Built Form

Comments:

- Concerns with the reduced building setbacks and step backs and the potential public realm, accessibility, and built-form transition impacts, including shadowing and privacy impacts.
- Concerns with the increased building height, from four to six storeys.
- Concerns with the added height/ size of the mechanical penthouse
- Concerns with the application of the 45-degree angular plane.
- Concerns with balconies proposed along the rear building façade.

Responses:

- The proposal is consistent with the policies of the Official Plan and the Old Ottawa East Secondary Plan, including the maximum building height of six-storeys.

- The shadowing studies have been prepared according to the City's Terms of Reference and Staff are satisfied with the results of this study.
- The proposed mechanical penthouse has reduced in size/ height since the original submission.
- The front yard setback has increased since the original submission, from 1.7 metres to 1.9 metres for most of the site's frontage and from 0.7 metres to 0.9 metres for a small portion of the site's frontage.
- A small portion of the subject lands, at the east end of the site, has already been dedicated because of road widening and is the primary reason why the proposed Zoning By-Law Amendment seeks to reduce the front yard setback in this area, from 2 metres to 0.9 metres. The minimum front yard setback for the remainder of the frontage will be a minimum 1.9 metres. ROW conveyance/ road widening for the remainder of the site's frontage will be confirmed through the Site Plan approval process.
- The proposed development will respect the 18-metre ROW protection by providing a dedication of 1.08 metres along Hawthorne Avenue as per Annex 1 of the Official Plan, to be confirmed through the Site Plan approval process. A primary objective of the City's ROW protection is to ensure that the City is able to secure sufficient space for vehicle use, active transportation and public realm amenities (e.g. trees). A sidewalk width of approximately 4 metres will be established because of this proposal, with roughly 5 metres total between the road edge and the building wall. The area to be conveyed is intended to be used for City sidewalks and trees, to be constructed in accordance with City standards.
- To mitigate the potential impacts of a reduced front yard setback on tree canopy growth, the proposal does not provide projecting balconies along the building's front façade. No projecting balconies will be permitted along the front façade facing Hawthorne Avenue, as per the proposed Zoning By-Law Amendment details.
- The reduced rear yard setback is appropriate based on the odd lot shape. Additionally, the proposed development mostly provides a minimum 7.5 metres rear yard setback, as required by the current zoning. This Zoning By-Law Amendment will require an increased rear yard setback at the most western part of the proposed building. To address the reduced rear yard setback, the rear yard has been revised to add more landscaping, screening and an improved tree canopy, where possible. All details will be confirmed through the Site Plan Approval process.

- The proposal incorporates stepbacks at varying heights and along each face of the building, including a stepback above the fourth floor in addition to a stepback above the fifth floor. The overall reduced additional front yard setback (stepback) distance is considered a minor reduction, given the variety in building heights and articulation.
- The current maximum building height for the site is 14.5 metres. This Zoning By-Law Amendment seeks to introduce maximum building heights as per schedule 'YYY' with the tallest height being 20 metres. In Staff's opinion, the proposal offers sufficient setbacks and stepbacks to provide an appropriate transition at the rear of the subject property and from the neighbouring low-rise residential uses to the south. The proposed deviation from the angular plane zoning provision is therefore considered minor.
- The balconies proposed at the rear of the building are considered permitted projections under Section 65 of Zoning By-law 2008-250. Nevertheless, at the rear, a stepback takes place at the fifth floor which has the outcome of setting back the building wall and balconies at this height. The rooftop amenity space is also setback generously from the rear edge of the building to avoid overlook onto the adjacent low-rise residential properties to the south.
- Trees and privacy screens (e.g. fences) are proposed along the rear property line which are intended to minimize privacy and overlook concerns. These details will be confirmed through the Site Plan Approval process.

Comments Theme 4: Environment, Trees and Landscaping

Comments:

- Concerns with tree loss resulting from the proposed development and the placement of the underground parking garage.
- Concerns with the proposed landscaping and screening.
- Concerns with the impacts of the development in relation to climate change.

Response:

- The Tree Conservation Report (TCR) meets the City's requirements and Staff are satisfied with the findings of the TCR report. TCR shows impacts to on-site and nearby trees. On the subject lands, seven trees are proposed to be replaced by 15 new trees.

- Several new trees are proposed within the front yard and the abutting public right-of-way to provide an improved public realm. As previously mentioned, the building has been designed to improve the chances of survival for trees proposed in the public realm.
- Several new trees are proposed along the rear property line which are intended to fulfill this need to offset the concerns with the trees proposed to be removed.
- Tree/ landscaping planters have also been added to the roof-top amenity space to green and cool the roof-top area and site.
- Regarding the tree planting approach and details: the landscape plan has been prepared by a qualified Landscape Architect, registered with the Ontario Association of Landscape Architects (OALA). Overall, the site is appropriately landscaped, and the landscape plan demonstrates the potential for tree growth in this area of the site and provides planting instructions (details) for each tree that should support tree growth and survival. The trees are proposed to be contained within a planter and the plans show that there should be sufficient room within the planter to accommodate tree growth. A buffer is also provided between the edge of the tree planting area and the rear property line. This should help to minimize any potential impacts on the landscaping features on the abutting properties. All details will be confirmed through the Site Plan approval process.
- The purpose of the fence is to provide screening and to ensure privacy. The proposed tree line further enhances the screening provided along the rear lot line, to mitigate privacy concerns.

Comments Theme 5: Parking, Traffic and Sightlines

Comments:

- Concerns with increased traffic resulting from the proposed development.
- Concerns with the high amount of vehicle parking being proposed.
- Concerns with sightlines and potential impacts resulting from the parking garage entrance proposed at the northwest corner of the site.
- Concerns with pedestrian safety.

Responses:

- The proposed development meets the minimum parking requirements of Zoning By-Law 2008-250. There are no maximum parking requirements which apply to

the site. The number of vehicle parking spaces provided has reduced since the original submission and is considered appropriate.

- Bicycle parking is being provided at a 1:1 ratio to offset the number of vehicle parking spaces provided and reduce automobile dependency.
- The Transportation Impact Assessment (TIA) was revised in response to staff and community feedback in reference to the original submission and Staff is satisfied with the report's findings. Details will be confirmed through the Site Plan approval process.
- Staff do not have any concerns with the increased density at this location in relation to the adjacent road network.
- The proposed garage access was relocated to the west end of the site to provide better visibility in relation to the original submission.
- A pedestrian sidewalk will be constructed to city standards along Hawthorne Avenue. As previously mentioned, this sidewalk area will be generous.

Comments Theme 6: Other

Comments:

- Concerns with construction, such as shoring and blasting.
- Concerns with accessibility, such as room for wheelchairs.
- Concerns vehicular traffic and pedestrian/ cycling safety.
- Concerns with Noise
- Concerns with lack of parkland
- Concerns with transit services

Response:

- The developer/ builder will be responsible for the preparation of the site and monitoring the construction of the site in accordance with all applicable City's by-laws. At the time of building permit review at Building Code Services, the developer will be required to submit shoring details and obtain the required construction permits. The Owner will be required to obtain permission from the neighbouring property owners if any portion of the shoring is located on the neighbouring property.

- The proposal will adhere to accessibility standards as outlined in the Ontario Building Code and sidewalks will be constructed to City standards.
- Cash-in-lieu of parkland will be confirmed at the time of Site Plan control.
- A Traffic Noise study was not required for the ZBLA but is being reviewed as a part of the Site Plan Control approval process.
- The subject lands are approximately 1km from the Lees O-Train Station and there are nearby bus routes.

Comments Theme 7: Positive Comments

- I am fine with the proposed height, as it makes sense to add more units to the neighbourhood.
- 50 parking spaces for a total of 67 units seems reasonable
- I love seeing this sort of mixed-use medium density development. We need more like this!
- The site is immediately adjacent to the 417, so not an attractive site for development to begin with. The entire street would benefit from projects of this type, or higher.
- The site is within walking distance of the major commercial buildings in the downtown core. People who live in the prospective development could walk to work, reducing traffic and the wear and tear on Ottawa roads.
- The site is within a ten-minute walk of the Lees LRT station.
- That the developer needs to ask for a zoning exception for a site within walking distance of the downtown core and walking distance to an LRT station is a clear sign that the area is severely under-zoned. Multi-density housing should be deemed to be automatically within zoning if within one thousand meters of an LRT station. Further, any place zoned single unit residential that is within one thousand meters of an LRT station should be subject to property taxes at a penalty rate, similar to how surface parking lots are subject to penalty tax rates as a way to encourage development. If we want our LRT to be a success and to have more of an LRT network, housing density around LRT stations needs to expand. Intensification will naturally result in more amenities - supermarkets, coffee shops, medical offices etc.

- Furthermore, if we want a city that has housing that all residents can afford, we need to approve the building of many more developments like this. There is an abundance of suitable sites. As a city, we should be facilitating their development, not making it more difficult.
- Writing as a resident of Old Ottawa East to express my support for the proposed development on Hawthorne Ave (i.e. a variety of zoning amendments).
- The proposed development is what's required in central areas of the city like Old Ottawa East, particularly as the city continues to welcome more and more residents. The development is close to public transit (Lees Station), is walkable to the Glebe and Centretown, and is on a main neighbourhood thoroughfare, justifying the proposed density.
- Ground floor commercial may be useful, but I don't feel this is mandatory for the zoning amendments to be made. Westboro/Wellington West has plenty of ground floor commercial in the buildings that have been built over the past few years, but they are not all occupied.
- I also wonder whether the proposed development could also be a net benefit to residents of Graham Ave, as a way to block noise from the Queensway.

Comments Theme 8: Old Ottawa East Community Association

Comments:

- **Failure to correctly provide 45° degree angular plane setbacks for the proposed fifth and six storeys, at the rear (south side) of the building.**
 - While we are very unhappy that the four storey limit of the existing zoning (something we fought long and hard for) is being exceeded by two storeys, we recognize that new provincial modifications to the Official Plan makes it very difficult to mount successful opposition to the two extra storeys.
 - However, if there are going to be the extra storeys over and above the current four storey height limit, then the front and rear setbacks must adhere to the Old Ottawa East Secondary Plan (OOESP) policies, the Old Ottawa East Community Design Plan (OOECDP) implementation strategies, and the Traditional Mainstreet Zoning By-laws (TMZBL). All of these documents require the additional two storeys to be stepped-back at the rear, adhering to a 45 degree angular plane. Please reference:

OOESP Section 2: Policy 3); OOESP Section 2: Policy 7); and OOESP Policy 4); and OOECDP Section 3.2; OOECDP Section 4.0; OOECDP Section 4.7; OOECDP Section 4.8; OOECDP Section 4.14 parts 1, 4 and 5; and TMZBL Section 197, Table 197, Zoning Mechanism (g) (ii) (2) and the referenced Illustration of TM Zone Building Envelope.

- The OOESP must be respected where it says, “Develop the south side of this corridor in accordance with the Traditional Mainstreet zoning. With lot depths ranging from 26 to 30 metres, the stepped building envelope massing is important to achieve compatibility with the low-rise neighbourhood on Graham Avenue to the south.” (Section 3.1, part 4). At the time of the CDP’s drafting, it was key to gain Graham Street residents’ support of the proposed greatly increased density on Hawthorne Avenue and this was achieved with the commitment to a “stepped building envelope massing.” Now, is the City going to simply ignore this commitment?
- **Failure to correctly provide the full 2 metre front yard setback from the property line, after the OP required Hawthorne Avenue right of way protection /widening has been acquired by the City**
 - Although the current proposal has apparently increased the front-yard setback somewhat from what was originally proposed, the proposed setback is still not a minimum of 2 metre for the entire front face of the building at the ground floor. The 2 meter setback provision that is in the Hawthorne and Main Street TM zoning was a key provision derived from the OOECDP and the ensuing OOESP.
 - As noted in our January letter, “If the requested ZBLA is approved, then the continuity of wide, safe, comfortable and animated sidewalks for all of Main and Hawthorne will be imperilled.” In order to provide an eventual complete street on Hawthorne Avenue, the full minimum 2 meter front yard setback must be provided.
 - Please reference:

OOESP Section 2: Policy 3); OOESP Section 2: Policy 6); OOESP Section 2: Policy 5); and OOECDP Section 2.1; OOECDP Section 3.2; OOECDP Section 4.1 (Note: “...In the TM7 zone along Main Street and Hawthorne Avenue the front yard setback shall be 2 metres...”); OOECDP Section 4.13; OOECDP Section 4.14 part 5.

- **Excessive underground parking / inadequate provision for canopy trees at rear**
 - We still do not support the proposed parking that exceeds the zoning requirement by 39 per cent. We strongly argue that the parking should be reduced to what's required (34 spots) or even less. The developer is proposing to build an underground parking garage that will go to the southern lot line. The consequence is that the two large existing trees will be removed and the roots of trees in neighbouring properties will be adversely affected. The developer's proposal for new trees in planters in no way satisfies the need for promoting the growth of large canopy trees in rear yards. The underground parking garage should allow enough space so that large canopy trees can grow beside it. It's also worth noting that a smaller parking garage will result in substantial savings in building costs, thus contributing to the affordability of units.

Responses:

- Staff have reviewed the applicable policies of the Old Ottawa East Secondary Plan and are satisfied that this proposal is consistent with the policies contained therein.
- The existing building height is 14.5 metres and the Old Ottawa East Secondary Plan does not prescribe a 45-degree angular plane. It is Staff's interpretation that the policy allows for some flexibility, provided that a stepped building envelope massing is provided. In Staff's opinion, the proposed development generally conforms to the Traditional Mainstreet (TM) Zoning and the provided setbacks and stepbacks allow for an appropriate transition in built-form at the rear of the site. Please also refer to responses provided above under **Theme 3**.
- The proposed front yard setback is 1.9 metres for most of the site frontage along Hawthorne Avenue. Staff must evaluate the zoning requirements for the site based on the existing lot boundaries. The front yard setback is only being reduced to 0.9 metres for a small portion of the site where road widening has already been conveyed through a previous development application. The plan has been revised since the original submission to increase the front yard setback. In Staff's opinion, the proposed front yard setbacks do not take away from the public realm possibilities along the south side of Hawthorne and would not set a bad precedent in this context. The City will still be able to achieve the desired public realm within the limits of the protected ROW, which is to be

confirmed through the Site Plan approval process. Please also refer to responses provided above under **Theme 3**.

- The proposed parking meets the minimum requirements of the zoning by-law. There are no maximum parking requirements which apply to this site. The parking structure will project only slightly above the average grade and a maximum height of this projection will be 1.5m above average grade as per the zoning by-law amendment details. The top of the structure will be landscaped and screened from adjacent properties via a fence structure, to be confirmed through the Site Plan Approval process. The landscape plan demonstrates that there will be sufficient room for trees in the proposed planter boxes. Please also refer to responses provided above under **Theme 4** and **Theme 5**.