

Subject: Zoning By-law Amendment – 1592 Tenth Line Road

File Number: ACS2024-PRE-PS-0033

Report to Planning and Housing Committee on 17 January 2024

and Council 24 January 2024

**Submitted on January 8, 2024 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Orléans East-Cumberland (1)

Objet: Modification du Règlement de zonage – 1592, chemin Tenth Line

Dossier : ACS2024-PRE-PS-0033

Rapport au Comité de la planification et du logement

le 17 janvier 2024

et au Conseil le 24 janvier 2024

**Soumis le 8 janvier 2024 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne ressource: Michael Boughton, urbaniste III 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 1592 Tenth Line Road, as shown in Document 1, to permit the development of two, low-rise apartment dwellings, 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 24 January 2024,” 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 du *Règlement de zonage* (n° 2008-250) pour le 1592, chemin Tenth Line, comme le montre le document 1, afin de permettre l’aménagement de deux immeubles d’appartements de faible hauteur, comme l’explique en détail le document 2.
2. Que le Comité de la planification 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 24 janvier 2024 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

1592 Tenth Line Road

Owner

Bridor Developments

Applicant

Paul Robinson, P.H. Robinson Consulting

Architectural Designer

P² Concepts Inc.

Description of site and surroundings

The subject site is located on the west side of Tenth Line Road, north of des Épinettes Avenue, and immediately across from the Ray Friel Recreation Complex. The property also fronts onto Phoenix Crescent, a local residential street, as shown on Document 1. The 1,486-square metre property is rectangular in shape and has approximately 32 metres of frontage along each of Tenth Line Road and Phoenix Crescent and a lot depth of approximately 46 metres. The property is currently occupied by a two-storey, detached dwelling containing five rental dwelling units and is accessed from Tenth Line Road.

Immediately to the north of the site is an 18-metre wide, publicly owned pedestrian walkway block that connects Phoenix Crescent and Tenth Line Road. Further north and to the west is predominantly an established low-density residential neighbourhood within the Queenswood Heights community. Directly across Tenth Line Road to the east and south are the Ray Friel Recreation Centre and Fallingbrook Centre, a local community shopping centre.

Summary of proposed development

As illustrated on the preliminary site plan attached as Document 4, the proponent proposes to develop on the site two, three-storey apartment buildings each fronting along and facing one of the two public streets with an interior courtyard between the two buildings and outdoor communal amenity space within the north side yard. A total of 27, one-bedroom rental units is proposed, with fifteen units in the building facing Phoenix Crescent and twelve units in the building facing Tenth Line Road. Both apartment buildings are modular in design with each module except one consisting of six dwelling units accessible by front and rear common, enclosed staircases that project into the front yards and interior courtyard space, respectively. A one-level, underground parking garage accessible only from Tenth Line Road serves both apartment buildings. The

parking garage accommodates 32 vehicle parking spaces, including five visitor spaces, and bicycle storage spaces. An enclosed waste storage room is proposed at the ground level of the apartment building facing Phoenix Crescent.

Summary of requested Zoning By-law amendment

To permit the proposed site development, the Zoning By-law amendment application proposes to rezone the subject lands from “Residential Third Density, Subzone Z, Exception 1186” (R3Z[1186]) to “Residential Fourth Density, Subzone Z, Exception XXXX” (R4Z[XXXX]) to permit the low-rise apartment dwelling use and related zone provisions. The amendment also proposes exceptions to the required vehicle parking rate provision that amounts to a reduction of two spaces from the minimum required, and to the minimum required front yard setback to permit a reduced setback of 2.35 metres where 3.0 metres is required.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with Council’s Public Notification and Public Consultation Policy for Zoning By-law amendments. A formal City-organized public information session attended by 46 residents who registered was held on 22 September 2021 with the City’s Planning staff and Ward Councillor in attendance.

Approximately 30 separate submissions of public comments and a group comment signed by approximately 50 residents, some of whom had provided comments separately, concerning the proposed zoning amendment and related application for site plan control approval were received, most of which expressing opposition to various aspects of the initially proposed site development. No comments were received directly from community associations. Many of the comments expressed relevant arguments based on sound planning principles that City staff also considered in the review and evaluation of the proposed zoning amendment.

Most of the public submissions received expressed concern primarily with the incompatibility of the proposed building mass, density, built form and urban design of the proposed three-storey apartment buildings with the surrounding established low-rise residential neighbourhood, the appropriateness of the reduced building setback from Phoenix Crescent, the proposed reduction in parking spaces that would increase on-street parking on Phoenix Crescent and nearby streets, the anticipated increased visitor and heavy vehicle traffic on Phoenix Crescent that would reduce safety for the residents in the relatively quiet neighbourhood.

City staff considered all the public comments and submissions in the evaluation of the proposed Zoning By-law amendment. In response to the above concerns and City staff's own similar comments, the applicant and City staff met to resolve as many of the concerns as possible. The revised preliminary site plan is illustrated in Document 4. In response to the concerns with building mass and density, the apartment building fronting Phoenix Crescent has been reduced in length with the removal of three dwelling units to increase the building separation from it and the adjacent single detached property. The overall number of proposed dwelling units has decreased from 30 to 27 units, which reduces the number of required parking spaces. Also, the building's front yard setback from the Phoenix Crescent right-of-way has increased by one metre. All required and visitor parking is provided in the underground garage accessible only by Tenth Line Road. The overall built form and contemporary design of the building has not changed. With respect to the perceived undesired traffic impacts, City staff find the proposed 27-unit residential development would have minor impacts on the surrounding local streets.

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

Official Plan designation(s)

Schedule B8 – Suburban (East) Transect – of the Official Plan (OP) designates the entire site along Tenth Line Road as “Minor Corridor” and is subject to the “Evolving Neighbourhood Overlay” policies.

Section 6.2 of the OP outlines the planned function of the Minor Corridor designation, which is to combine a higher density of development, a greater degree of mixed uses, and a higher level of street transit services than abutting residential neighbourhoods. The policies permit both a mix of uses and residential-only buildings and establish a maximum permitted height of four storeys closest to the corridor. Consideration is to be given to appropriate transitions in building height, land use, site design and development character to the surrounding built environment.

The Evolving Neighbourhood Overlay, as outlined in Section 5.6.1 of the OP, is intended to provide built form direction where a change in character is anticipated and applies to areas where more intensive urban forms are envisioned over time.

Other applicable policies and guidelines

The updated Urban Design Guidelines for Low-rise Infill Housing, approved by Council on 6 July 2022, support the urban design policies of Section 4.6 of the Official Plan by providing guidance for the design of infill developments, including low-rise apartment buildings, throughout all Official Plan transect areas. The design guidelines highlight principles for the design of landscapes, built form, and the public realm. The proposed Zoning By-law amendment and associated site development plan were examined in this context.

Urban Design Review Panel

The subject site is not within a Design Priority Area identified in the Official Plan and the proposed Zoning By-law amendment and site development were not subject to the Urban Design Review Panel process.

Planning Rationale

With respect to the suitability of the site's physical characteristics and adequacy of existing municipal services and road network to support the proposed uses, it is staff's opinion based on the review of the supporting technical reports filed with the application that the site is adequately suited for the proposed uses.

It is also staff's opinion that the proposed zoning amendment supported by the preliminary development site plan conforms with the above relevant land use policies of the Official Plan. It introduces a compatible and alternative form of low-rise housing into the surrounding low-rise, low-density residential neighbourhood, is supported by transit service and supports the evolution of the area towards 15-minute neighbourhoods. The anticipated traffic-generated impacts of the proposed higher density apartment dwelling on Phoenix Crescent and nearby local streets are considered minimal.

The proposed site development also is generally consistent with the Urban Design Guidelines for Low-rise Infill Housing through its attention to building orientation and entrances along the street edges, street tree planting, spatial separation of the higher density building typology from adjacent dwellings of lower height, and placement of all vehicular parking underground. Attention is also given to incorporating the proposed waste storage facility into the building. While the proposed building along the Phoenix Crescent streetscape is closer to the street than the line established by the existing dwellings, planning staff deemed it a reasonable compromise to ensure adequate building separation and liveability within the interior courtyard space between the two apartment buildings.

Details of Proposed Zoning

The proposed development plan shown in Document 4 is preliminary and subject to further review and refinement through the ongoing site plan control review process; however, it is consistent with the above policy expectations sufficient to warrant consideration of the proposed zoning amendment.

The proposed R4Z [XXXX] zone permits the low-rise apartment dwelling use and applicable zone provisions. The three proposed site-specific exceptions, shown in Document 1 and detailed in Document 2, are appropriate to support the proposed site design. The site is defined as a through lot, which is a lot bounded on two opposite sides by public streets. In such cases the minimum required front yard setback is deemed to apply to both yards abutting a street. Accordingly, the proposed minimum front yard setback of 2.35 metres measured from the lot lines to the face of the projecting enclosed staircases, deemed to be the main building line, would apply to both street fronts. The second exception provision simply prohibits covered and enclosed balconies from projecting farther into the reduced required front yard. The third exception provision reduces the parking requirement for the low-rise apartment dwelling use. In lieu of the minimum required parking space rate of 1.2 spaces per dwelling unit, a rate of 1.1 spaces per dwelling unit is necessary to accommodate the proposed development. Such parking rate exception would not affect the visitor parking space requirement, and the 10 per cent allowable reduction in the dwelling parking space rate where all spaces are provided in an underground garage would still apply.

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(S)

Councillor Luloff, Orléans East-Cumberland, provided the following comment:

I am aware of the application related to this report and have no concerns at this time. Over the course of consultation, I received several comments from community members who shared concerns about scale, density, traffic and parking. I'm pleased to see that the applicants and planning staff addressed many of these comments in their submission. In particular, I am pleased to see that there will be no vehicle access off of Phoenix Crescent, so the only site access will be a right-in, right-out on Tenth Line

Road. Ultimately, Ottawa is in the midst of a serious housing crisis which means that there needs to be some give and take to ensure people have a place to live. I believe this proposal strikes a balance between offering much needed housing while still respecting the character of the surrounding neighbourhood. This project makes a lot of sense for a larger arterial road like Tenth Line Road, as it is within walking distance of transit as well as many important community amenities, like grocery stores, a public library and a City recreational facility. This development will help increase rental stock in the ward and will offer 27 one-bedroom units perfect for seniors, students and newcomers. We need rentals for seniors to downsize into so that they can remain in the community that they helped build and we also need rentals that will ensure Orléans remains a community that is accessible to all. Orléans East-Cumberland is a built-up ward, which means there is very little undeveloped land available for both private and public rental developments. That means there will need to be some level of infill development. Streets like Tenth Line Road, St. Joseph Boulevard, Trim Road, Jeanne d'Arc Boulevard North and areas surrounding the new LRT stations are excellent places to be considering this kind of mid-density development. I would encourage the developer to continue working with community members throughout the development process.

ADVISORY COMMITTEE(S) COMMENTS

No Advisory Committees comments were received in response to the proposed Zoning By-law amendment.

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 two 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. In the event of an appeal it would be necessary to retain an external planner

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no Asset Management implications related to this report.

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

Design considerations with respect to accessibility are not a key consideration of this Zoning By-law amendment application. If the application is approved, accessibility impacts will be assessed in detail during the ongoing review of the related application for site plan control approval.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications related to this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A City that has affordable housing and is more liveable for all.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0055) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the time required to resolve matters appropriate to site design.

SUPPORTING DOCUMENTATION

Document 1 Location Map / Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Preliminary Site Plan

CONCLUSION

The proposed Zoning By-law amendment respects and conforms with the intent of the relevant policies of the Official Plan, and it applies the appropriate zone and site-specific performance standards to permit the proposed low-rise apartment dwelling development. In staff's opinion, the proposed zoning amendment is appropriate and would be compatible with the existing surrounding established residential community.

The Department recommends that the proposed Zoning By-law amendment be approved.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; 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 – Location Map / Zoning Key Map

For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0055	23-1126-D	1592 ch. Tenth Line Road	
I:\CO\2023\ZKP\TenthLine_1592		<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; width: 20px; height: 10px; margin-right: 5px;"></div> <div> Area A to be rezoned from R3Z[1186] to R4Z[XXXX] Le zonage du secteur A sera modifié de R3Z[1186] à R4Z[XXXX] </div> </div>	
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REVISION / RÉVISION - 2023 / 11 / 30			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1592 Tenth Line Road 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 to the following:
 - a) In Column II, “Applicable Zones” add the text, “R4Z [XXXX]”
 - b) In Column V, “Exception Provisions – Provisions,” add the following:
 - i. Minimum front yard setback: 2.35 metres
 - ii. Minimum rear yard setback: 2.35 metres
 - iii. Minimum parking space rate for a low-rise apartment dwelling is 1.1 spaces per dwelling unit.
 - iv. Despite Table 65(6), covered or uncovered balcony shall not be permitted to project into a required yard.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. A formal City-organized public information session was held on 22 September 2021 following the initial public consultation period.

The following public submissions from approximately 70 residents of the surrounding neighbourhood were received in response to the initial proposed zoning amendment and related application for site plan control approval. No comments from community organizations were received.

Question/Comment	Staff Response
LAND USE / ZONING / URBAN DESIGN	
The proposed reduction in the unit parking rate is inadequate and inappropriate and will simply result in an increase of on-street parking along the local neighbourhood street.	The proposed reduced parking rate of 1.1 spaces per dwelling unit in place of 1.2 spaces per unit is reasonable and results in an overall reduction of two spaces.
The proposed R4Z zone would permit a significantly greater number of dwelling units than is currently permitted by the R3Z zone, which increased density is undesired.	The proposed density increase, amounting to 22 dwelling units more than the five existing rental units on site, is considered reasonable for the subject site along an arterial road and near amenities.
The proposed zoning change significantly reduces the front and side yard setbacks such that the building would be significantly closer to Phoenix Crescent than that established by the current streetscape. The proposed reduced front yard setback does not match those of the existing residences.	City staff and the applicant met to resolve as many of the concerns as possible. While the building's proposed front yard setback from Phoenix Crescent is reduced, the applicant has agreed to increase it by one metre over what was originally proposed. This was deemed to be a reasonable compromise to ensure greater building separation within the interior courtyard.

<p>With no loading area or on-site vehicular access to the garbage room, waste bins will have to be wheeled out and lined up along Phoenix Crescent. This is a potential operational nuisance in the making.</p>	<p>Such waste management operational practice is not unusual for similar developments throughout the City's urban environment.</p>
DENSITY / COMPATABILITY	
<p>The proposed density of development is simply far too great for the property size and does not integrate well with the low-density, single detached neighbourhood.</p>	<p>The proposed development demonstrates that the unit density can be reasonably accommodated on the site.</p>
<p>The proposed apartment building and contemporary built form is out of scale and character with the surrounding low-density neighbourhood and is simply incompatible.</p>	<p>The minor corridor policies of the Official Plan permit the built form and density proposed. The Planning Act considerably limits a municipality's authority to impose changes to the proposed architectural exterior of a building.</p>
<p>The proposed design fails to meet the intent of the Official Plan with respect to existing character, built form, massing and scale, and has completely ignored the Urban Design Guidelines for Low-rise infill Housing.</p>	<p>The proposed development is generally consistent with the Design Guidelines through its attention to building orientation and entrances along the street edges, street tree planting, spatial separation of the higher density building typology from adjacent single detached dwellings, and placement of all vehicular parking underground. While the proposed building along the Phoenix Crescent streetscape is closer to the street than the line established by the existing dwellings, planning staff deemed it a reasonable compromise to ensure adequate building separation and liveability within the interior courtyard space between the two apartment buildings.</p>

NOISE / PRIVACY / CONSTRUCTION	
The proposed building facing Phoenix Crescent with front doors and balconies poses privacy concerns for the residents of the adjacent residential properties. How will privacy be protected?	The proposed balconies do not overlook any of the adjacent residential back yards. They face onto Phoenix Crescent and Tenth Line Road.
The traffic noise from Tenth Line Road is already constant; the proposed development would increase traffic on the quiet neighbourhood streets and compound the noise level.	City staff find the traffic impacts of what is a relatively small residential development on the surrounding local streets to be minor.
TRAFFIC / PARKING / SAFETY	
The anticipated increased traffic and lack of stop signs on the local streets will pose potential safety concerns and hazards for residents and visitors as well as for children playing and cycling.	City staff find the traffic impacts on the surrounding local streets resulting from the proposed relatively small residential development to be relatively minor.
There will undoubtedly be an escalation of on-street parking issues, particularly on Phoenix Crescent and neighbouring streets, leading to pedestrian hazards given that there are no sidewalks.	While on-street parking is permitted during certain hours, visitor parking is to be provided in the proposed underground parking garage, which is accessible only from Tenth Line Road.
Increased on-street parking will cause winter challenges, including delayed street plowing and safety issues.	During municipal snow clearing operations, on-street parking is prohibited.
Traffic safety will be compromised by the increased frequency of U-turns on Tenth Line Road at the signalized shopping centre entrance, which may impede emergency access for north-bound fire trucks.	South-bound U-turns (to head north-bound) are permitted at the shopping centre intersection when safe to do so.
The proposed development will generate increased traffic within school zones, specifically at Tenth Line Road/Amiens Street and Prestwick Drive/Payette Drive	City staff find the traffic impacts on the surrounding local streets resulting from the proposed relatively small residential development to be relatively minor.

intersections, posing risks to students and pedestrians.	
There are safety concerns for residents making right turns off Tenth Line Road into the underground garage access in light of existing dangers along Tenth Line Road due to fast-moving traffic.	The anticipated low volume of traffic generated by the proposed development does not warrant a deceleration lane to access the underground parking garage.
Bus service currently is east-west and only route #236 runs along Tenth Line Road during peak hours. Walking to a bus stop along Tompkins Avenue or des Épinettes Avenue during the depths of winter won't be appealing to tenants.	The site is adequately serviced by and within acceptable distance to existing regular and peak period transit service.
ACCESSIBILITY / AFFORDABILITY	
Access to the second and third floors of the proposed dwellings is only by stairs. This discourages seniors from renting apartments.	Design considerations with respect to accessibility will be assessed in detail during the ongoing review of the related application for site plan control approval and building permit processes.
Consideration for a barrier-free design has not been included in the proposal. There are no Type A accessible parking spaces, ramps, elevators, or apartment units built to barrier-free standards.	
How affordable will the rental units be for youth (the “target audience”) given that affordable housing is their key concern?	Developers are not required to share their expected rental rates with the City and, therefore, City staff do not know how affordable any particular development might be. The City encourages the provision of a range of housing (ownership and rental) to increase choice and provide a range of affordability. However, there currently are no tools that City staff can use to require the provision of a certain number of affordable units or a specific level of affordability.
CONSTRUCTION	

<p>The possibility of blasting operations during excavation raises concerns with potential damage to nearby dwellings.</p>	<p>City staff regularly include as a condition of site plan control approval the requirement for the owner to conduct pre- and post-construction inspections of adjacent residence foundations whenever there is blasting or hoe ramming required.</p>
<p>The excavation and construction will cause extensive and unbearable noise, and construction traffic on Phoenix Crescent will be intolerable.</p>	<p>Development adjacent to existing buildings is commonplace in developing and established communities, and appropriate construction measures are taken to safeguard against undesirable impacts.</p>

Community Organization Comments and Responses

Nil.

