

Subject: Zoning By-law Amendment – 29 Russell Avenue

File Number: ACS2024-PRE-PS-0034

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: Rideau-Vanier (12)

Objet: Modification du Règlement de zonage – 29, avenue Russell

Dossier: ACS2024-PRE-PS-0034

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**

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Quartier: Rideau-Vanier (12)

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 29 Russell Avenue, as shown in Document 1, and detailed in Document 2, to permit a three-storey residential addition to the rear of the existing heritage building.
2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* ‘Explanation Requirements’ at the City Council Meeting of January 24, 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 municipal d’approuver une modification au *Règlement de zonage 2008-250* du 29, avenue Russell, comme le montre le document 1 et l’expose en détail le document 2, afin de permettre l’ajout résidentiel de trois étages à l’arrière du bâtiment patrimonial existant.
2. Que le Comité de la planification et du logement donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d’explication’ aux termes de la *Loi sur l’aménagement du territoire*, à la réunion du Conseil municipal prévue le 24 janvier 2024 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

BACKGROUND

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

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

Site location

29 Russell Avenue

Owner

29 Russell Street Holding Inc.

Applicant

Haris Khan, Fotenn Consultants Inc.

Architect

Woodman Architects & Associates Inc.

Description of site and surroundings

The subject site is located along the east side of Russell Avenue, south of Laurier Avenue East and north of Osgoode Street. It is a rectangular parcel with an area of 498.74 square metres, a lot depth of 35.46 metres, and 16.02 metres of frontage along Russell Avenue. The site is currently occupied by a two and a half-storey, low-rise residential use building and surface parking lot; the parking area is accessed by a public laneway at the rear of the site.

The site is designated under Part V of the *Ontario Heritage Act* as part of the Russell-Range Heritage Conservation District (HCD); it is identified as a contributing property in HCD Plan.

The surrounding properties include a mix of uses including a converted two and a half-storey office-use building and commercial uses to the north; a public laneway and low-rise residential to the east; and low-rise residential buildings to the south and west. The University of Ottawa campus and uOttawa O-Train station are located approximately one kilometre west of the subject site.

Summary of proposed development

The proposed development includes the construction of a three-storey addition to the rear of the existing heritage building. The existing building is to be retained. A total of seven new residential units will be created in the proposed addition, resulting in a total of 21 units on the site.

The proposed addition will replace the existing surface parking lot at the rear of the site; no vehicle parking is provided on site. A total of 27 bicycle parking spaces are provided

on site, including 12 spaces accessed from Russell Avenue and 15 spaces access from the City-owned laneway at the rear.

A Site Plan Control application (File No. D07-12-22-0115) is being reviewed concurrently with the subject Zoning By-law Amendment. A Heritage Permit application to permit exterior alterations to the property has also been submitted to Heritage staff. The associated report will be considered by Built Heritage Committee on January 16, 2024.

Summary of requested Zoning By-law amendment

The subject site is currently zoned R4UD[480] (Residential Fourth Density, Subzone UD, Urban Exception 480). The amendment is requested to permit the development of a three-storey residential addition to the rear of the existing heritage building. The proposed addition will add seven new dwelling units to the property.

The proposed zoning by-law amendment seeks to:

1. Rezone the subject site to R4UD[XXXX] (Residential Fourth Density, Subzone UD, Urban Exception XXXX).
2. Urban Exception XXXX includes provisions addressing the following:
 - Minimum interior side yard setback of 1.2 metres along the southern property line and 3.8 metres along the northern property line for the proposed addition only, whereas the Zoning By-law requires 1.5 metres.
 - Minimum rear yard setback of 4 metres which must comprise at least 11.3 per cent of the area of the lot (64 square metres), whereas the Zoning By-law requires a minimum rear setback of 7.5 metres which must comprise at least 25 per cent of the area of the lot (141.5 square metres).
 - No resident vehicle parking required, whereas the Zoning By-law requires five spaces.
 - No visitor vehicle parking required, whereas the Zoning By-law requires one space.
 - Minimum required dimensions for vertical bicycle parking of 0.4 metres in width by 1.2 metres in length, whereas the Zoning By-law requires 0.5 metres in width by 1.5 metres in length.
 - Minimum required width for horizontal bicycle parking of 0.2 metres, whereas the Zoning By-law requires a minimum width of 0.6 metres.

- Minimum required setback for an accessory structure (i.e., vertical bicycle rack) from a rear lot line not abutting a street for an accessory structure is 0 metres, whereas the Zoning By-law requires 0.6 metres.
- The width of a walkway may not exceed 2.5 metres for a low-rise apartment dwelling, whereas the Zoning By-law requires 1.8 metres.

DISCUSSION

Public consultation

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

Approximately 12 comments were submitted during the development review process. The comments were mainly concerned with parking, waste management, and heritage.

Changes made since the original submission to address public concerns include increasing the provided bicycle parking, increasing the rear yard setback, servicing was realigned to retain the City-owned street tree, and improvements to the front façade through the introduction of two separate verandas.

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

Official Plan designation(s)

The subject site is designated "Neighbourhood" on Schedule B1 – Downtown Core Transect, of the Official Plan.

Section 2.2.1 Intensification and Diversifying Housing Options

This section provides direction on how growth will take place in Ottawa. Policies within this section direct residential growth within the built-up urban area to support the evolution towards 15-minute neighbourhoods, provide housing options for larger households, and improve public amenities and services.

Section 3 – Growth Management Framework

This section provides direction on how growth will take place in Ottawa. Policies within this section support intensification in areas with existing municipal infrastructure, rapid transit, neighbourhood facilities and a diversity of commercial services.

Section 4.2 – Housing

This section contains policies that support the creation of a diverse range of flexible and context-sensitive housing options in all areas of the city.

Section 5.1 – Downtown Core Transect

This section provides direction for new development on lands designated “Neighbourhood” in the Downtown Core Transect.

Section 6.3 – Neighbourhoods

This section provides direction for new development on lands designated “Neighbourhood” in the Official Plan.

Other applicable policies and guidelines

Central and East Downtown Core Secondary Plan

The [Central and East Downtown Core Secondary Plan](#) provides strategic planning direction to guide the future development and development within the Central and East Downtown Core. The subject site is located within the Sandy Hill Character Area (Schedule A – Character Areas) and designated “Local Neighbourhood” (Schedule B – Designation Plan). The maximum building height for the site is identified as four storeys (Schedule C – Maximum Building Heights).

Russell-Range Heritage Conservation District Plan

The [Russell-Range Heritage Conservation District Plan](#) (HCD) identifies the heritage attributes and conservation objectives within the HCD boundaries. It further identifies policies and guidelines for conservation and provides criteria to evaluate any changes include new construction. The subject site is identified as a contributing property in the HCD.

Urban Design Guidelines for Low-rise Infill Housing

The [Urban Design Guidelines for Low-rise Infill Housing](#) are a tool to help achieve the Official Plan’s goals in the areas of design and intensification and apply to all infill development in the Downtown Core.

Heritage

The subject site is designated under Part V of the *Ontario Heritage Act* as part of the Russell-Range Heritage Conservation District (HCD). The property is identified as a contributing property in the HCD Plan.

A heritage permit application has been submitted to permit the proposed exterior alterations to the existing building.

Urban Design Review Panel

The property is not located within a Design Priority Area and was not subject to the Urban Design Review Panel.

Planning rationale

The subject site is designated “Neighbourhood” on Schedule B1 – Downtown Core Transect of the Official Plan, which permits a full range of low-rise housing options to achieve the City’s residential intensification targets. The site is also subject to the Central and East Downtown Secondary Plan; it is designated as ‘Local Neighbourhood’, located within the Sandy Hill Character Area, and is identified for maximum building heights of four storeys. The Local Neighbourhood designation is intended to be primarily residential. Staff have no concerns with the proposed three-storey residential addition as the site is located within an area identified for intensification in the Official Plan, and is achieved in a manner that respects the direction in the applicable Secondary Plan regarding height and built form.

As detailed in Document 2, several site-specific exceptions are required to permit the proposed residential addition. The applicant is proposing to deviate from the required interior side yard and rear yard setbacks, as well as the minimum rear yard area requirements identified in the R4UD subzone. Relief is also being sought for the minimum vehicular parking requirements and several provisions related to bicycle parking.

The proposed relief to the minimum interior side yard setback requirements include reducing the following:

- Reduce the minimum interior side yard setback to 1.2 metres along the southern property line (abutting 31 Russell Avenue) for the proposed addition, whereas the Zoning By-law requires 1.5 metres.
- Establish a minimum interior side yard setback of 3.8 metres along the northern property line (abutting 312 Laurier Avenue East) for the proposed addition, whereas the Zoning By-law requires 1.5 metres.

Staff have no concerns with the proposed relief to the minimum required interior side yard setbacks. The 1.2-metre setback along the southern property line (abutting 31 Russell Avenue) setback is considered minor in nature and provides adequate separation for replicability on the neighbouring site, should it redevelop in the future. The 3.8-metre setback along the northern property line (abutting 312 Laurier Avenue East) is an increase from the minimum requirement outlined in the Zoning By-law and ensures that adequate space is provided to accommodate the retention of existing

trees, and facilities that support intensification on the site, including an access to the proposed addition, outdoor bicycle parking, etc.

The proposed relief from minimum rear yard setback requirements are the following:

- Minimum rear yard setback of 4 metres which must comprise at least 11.3 per cent of the area of the lot (64 square metres), whereas the Zoning By-law requires a minimum rear setback of 7.5 metres which must comprise at least 25 per cent of the area of the lot (141.5 square metres).

Staff support the proposed reductions to the minimum rear yard setback requirement. In combination with the increased 3.8-metre interior side yard setback for the northern property line, the proposed reduction to the rear yard setback enables the building footprint of the addition to be appropriately sized to accommodate new units on the subject site while also allowing for the retention of the existing mature trees along the shared property line with 312 Laurier Avenue East. Section 4.8.2 of the New Official Plan provides strong direction to maintain the urban forest canopy and its ecosystem services during intensification. Further, the proposed relief will have the effect of permitting development on the site that aligns with direction in the Official Plan regarding residential intensification in areas considered 15-minute neighbourhoods. Policy 3 of Section 3.2 of the Official Plan directs that “[t]he vast majority of Residential intensification shall focus within 15- minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them as shown on Schedules B1 through B8...” The subject site is within the Neighbourhood designation but is located in very close proximity to Laurier Avenue East, which is designated Minor Corridor on Schedule B1 of the Official Plan and is therefore considered to be part of a 15-minute neighbourhood. Additionally, the rear property line abuts a City-owned laneway, which provides for an additional buffer between the rear of the site and the rear yards on the opposite side of the lane.

The following relief related to bicycle parking is being requested:

- Minimum required dimensions for vertical bicycle parking of 0.4 metres in width by 1.2 metres in length, whereas the Zoning By-law requires 0.5 metres in width by 1.5 metres in length.
- Minimum required width for horizontal bicycle parking of 0.2 metres, whereas the Zoning By-law requires a minimum width of 0.6 metres.
- Minimum required setback for an accessory structure (i.e., vertical bicycle rack) from a rear lot line not abutting a street for an accessory structure is 0 metres, whereas the Zoning By-law requires 0.6 metres.

- The width of a walkway may not exceed 2.5 metres for a low-rise apartment dwelling, whereas the Zoning By-law requires 1.8 metres.

The proposed relief for the minimum bicycle parking space dimensions is for both vertical and horizontal spaces. The relief is required to permit the installation of modern bicycle rack models that accommodate bicycle parking more efficiently. The requested relief to the rear yard setback for accessory structures allows the vertical bicycle parking structure to be located along the rear property line. A fence is proposed along the rear property line to address CPTED (Crime Prevention Through Environmental Design) concerns, and the applicant is seeking to reduce potential gaps between the structures that may create additional concerns. The proposed relief to the maximum walkway width in the front yard is required to address the 0.5-metre expansion of the existing 2-metre walkways to provide access to the proposed bicycle parking. Staff have no concerns as the proposed relief allows for additional bicycle parking to be provided on site to serve both current and future residents.

The applicant has also requested that no resident or visitor parking be required, whereas the Zoning By-law requires 5 resident spaces and 1 visitor spaces. The removal of parking required to accommodate residential intensification on the site as the proposed addition is located on the existing surface parking lot at the rear of the site. Staff have no concerns as the zoning relief aligns with the direction in the Downtown Core Transect policies supporting the removal of parking to support the creation of higher-density, urban development forms (Policy 6 of Section 5.1.1). An additional 16 bicycle parking spaces have also been provided to support the removal of parking, in accordance with Policy 7 of Section 4.1.4 and Policy 4(3) of Section 5.1.2 of the Official Plan. Further, the site is located within a walkable community with access to diverse range of services and is well-served by transit.

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)

The Councillor is aware of the application related to this report.

ADVISORY COMMITTEE(S) COMMENTS

N/A

LEGAL IMPLICATIONS

There are no legal impediments to implementing the report recommendations.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed development will be required to meet the accessibility requirements contained within the Ontario Building Code.

ENVIRONMENTAL IMPLICATIONS

Existing trees located on the neighbouring property, 312 Laurier Avenue East, along the shared property line are to remain, as well as the existing maple tree along Russell Avenue.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Has affordable housing and is more liveable for all; and,
- Is more connected with reliable, safe and accessible mobility options.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0076) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to complexity of issues associated with site and building design.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Site Plan

Document 4 Building Elevations

Document 5 Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the application and proposed Zoning By-law Amendment. The proposed development allows for the intensification of an underutilized site within the Sandy Hill West neighbourhood in a manner that is sensitive to the heritage character of the neighbourhood. Further, the requested amendments are consistent with the Central and East Downtown Core Secondary Plan, Official Plan and the Provincial Policy Statement. The development represents good planning.

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.

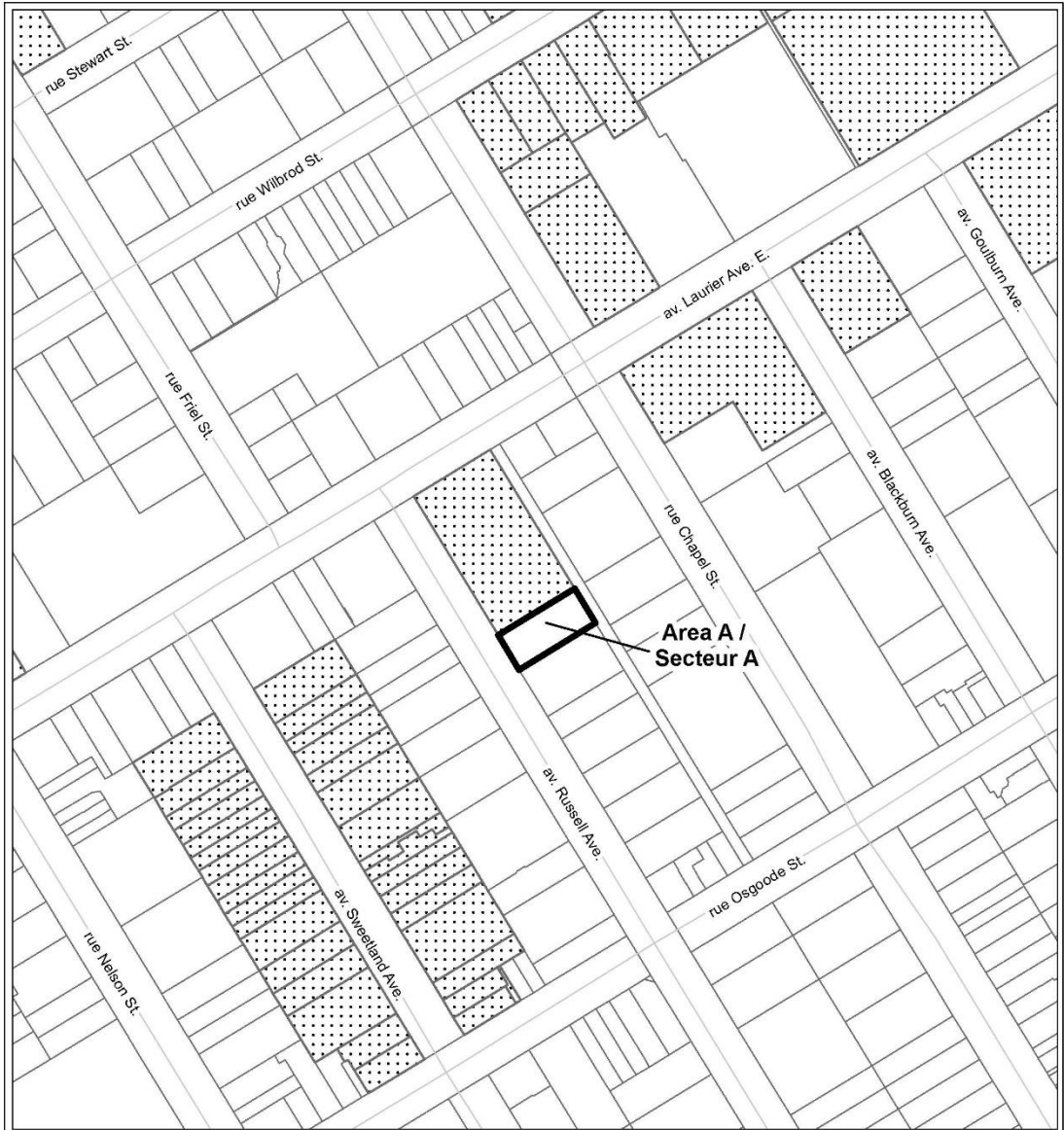
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.





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 – Zoning Key Map

For an interactive Zoning map of Ottawa visit geoOttawa



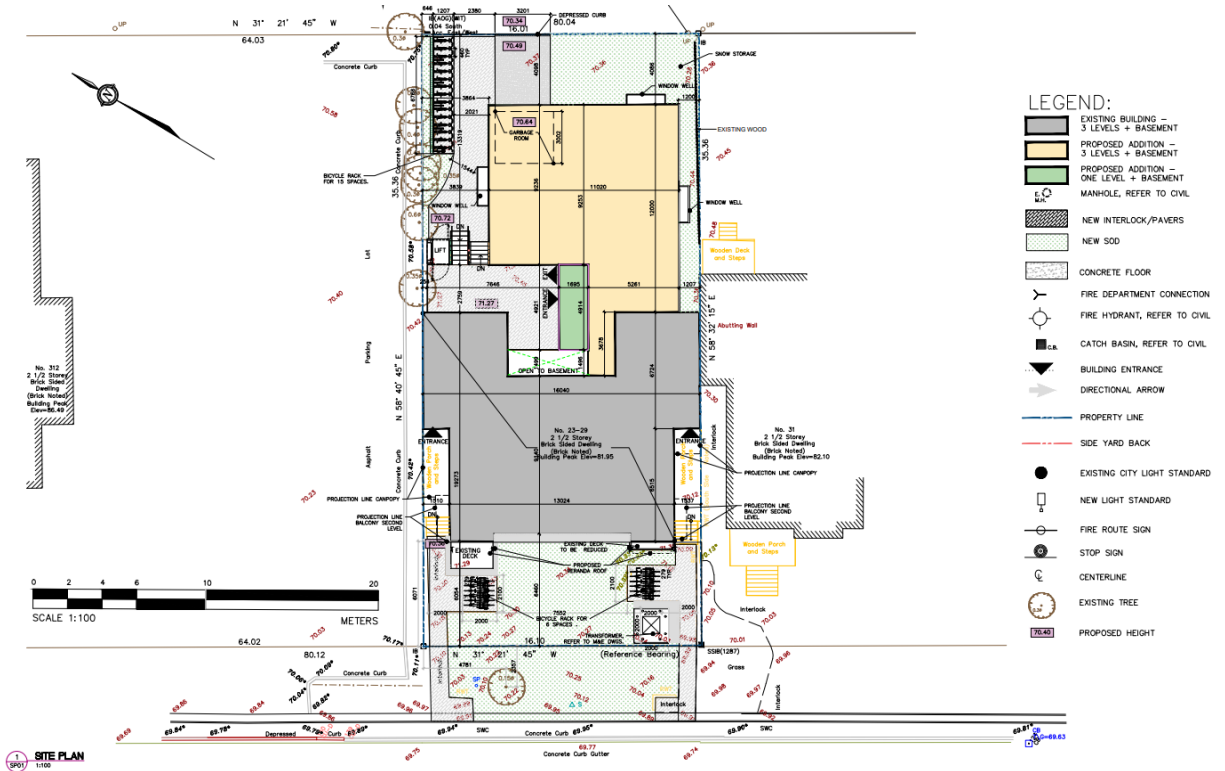
		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-22-0076	23-1055-X	29 avenue Russell Avenue	
I:\CO\2023\Zoning\Russell_29		 Area A to be rezoned from R4UD[480] to R4UD[xxxx] Le zonage du secteur A sera modifié de R4UD[480] à R4UD[xxxx]	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY</small>		 Heritage (Section 60) Patrimoine (Article 60)	
<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</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 / 11 / 10			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 29 Russell Avenue

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 “R4UD[XXXX]”.
 - b. In Column V, Provisions, add the text:
 - i. Minimum interior side yard setback:
 - Within 16 metres of the rear property line, along the northern property line: 3.8 metres
 - Within 16 metres of the rear property line, along the southern property line: 1.2 metres
 - ii. Minimum rear yard setback: 4 metres which must comprise at least 11 per cent of the area of the lot.
 - iii. Despite Section 101, no residential parking is required.
 - iv. Despite Section 102, no visitor parking is required.
 - v. Despite Table 111B, minimum bicycle parking space dimensions for vertical bicycle parking:
 - Minimum space width: 0.4 metres
 - Minimum space length: 1.2 metres
 - vi. Despite Table 111B, minimum bicycle parking space dimensions for horizontal bicycle parking:
 - Minimum space width: 0.2 metres
 - vii. Despite Table 55(e)(ii), minimum required setback from a rear lot line not abutting a street for an accessory structure is 0 metres.
 - viii. Despite Section 139(4)(c)(i), the width of a walkway may not exceed 2.5 metres for a low-rise apartment dwelling.

Document 3 – Site Plan



- LEGEND:**
- EXISTING BUILDING – 3 LEVELS + BASEMENT
 - PROPOSED ADDITION – 3 LEVELS + BASEMENT
 - PROPOSED ADDITION – ONE LEVEL + BASEMENT
 - MANHOLE, REFER TO CIVIL
 - NEW INTERLOCK/PAVERS
 - NEW SOD
 - CONCRETE FLOOR
 - FIRE DEPARTMENT CONNECTION
 - FIRE HYDRANT, REFER TO CIVIL
 - CATCH BASIN, REFER TO CIVIL
 - BUILDING ENTRANCE
 - DIRECTIONAL ARROW
 - PROPERTY LINE
 - SIDE YARD BACK
 - EXISTING CITY LIGHT STANDARD
 - NEW LIGHT STANDARD
 - FIRE ROUTE SIGN
 - STOP SIGN
 - CENTERLINE
 - EXISTING TREE
 - PROPOSED HEIGHT

SITE PLAN
1:100

Document 4 – Building Elevations

Southwest (Front) Elevation



Northeast (Rear) Elevation



Southeast Elevation (Facing 31 Russell Avenue)



Northeast Elevation (Facing 231 Laurier Avenue East)



Document 5 – 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.

Public Comments and Responses

The following summarizes, in no particular order, a list of comment topics/themes raised by various members of the public in response to the proposed development.

1. Parking / Traffic

- Concerns with the absence of parking on site.
- Concerns that the proposed development will worsen the existing on-street parking issue along Russell Avenue due to removal of existing parking and increased number of residents.
- Concerns that proposed addition will negatively impact the ability of neighbors to park at 31 Russell Avenue due to increased use of the rear laneway.
- Safety concerns with the impact of increased traffic on children and others living in the area.

Response

Staff have no concerns with impact to traffic volumes and pedestrian safety resulting from the proposed development as no vehicular parking is proposed. On-street parking violations are a By-law Enforcement issues and are outside the scope of this application. Further, the Official Plan is supportive of the removal of parking to achieve intensification goals and encourage the use of transit and active transportation.

2. Waste Management

- Concerns that the proposed development/increased number of residents will worsen the existing garbage situation at 29 Russell Avenue.
- Clarification requested on how garbage pick-up will take place.

Response

Staff have no concerns with the proposed approach to waste management. Garbage and recycling is to be managed on site inside a purpose-built room located within the proposed addition. Waste will be stored inside until it is collected by a private contractor using the City-owned laneway.

3. Heritage

- Concerns that the proposed development is not mindful of and will negatively impact the distinctive heritage character of the area.
- Concerns with the proposed front yard bicycle parking and its visual impact to the public realm along Russell Avenue.

Response

A heritage permit application was reviewed concurrently with the subject Zoning By-law Amendment to permit the proposed changes to the façade of the existing building. Heritage staff have reviewed the proposal and are satisfied that the policies of the Russell-Range Heritage Conservation District Plan are being met.

4. Other

- Concerns that construction will be disruptive and loud.
- Concerns that the proposed development will negatively impact property values.
- Request to remove to window(s) on the third level of the south façade of the addition, as it will impact the enjoyability of balconies used by residents of 31 Russell Avenue.

Response

Construction activities must adhere to the City's Noise By-law, which limits operations to certain times of day.

There is no evidence to suggest that development applications and new construction adversely impact property values.

Location of windows to be assessed further through the concurrent Site Plan Control application (File No. D07-12-22-0115).

The following is a summary of the comments provided by John Verbaas on behalf of Action Sandy Hill (ASH) in response to the proposed development.

- Concerns with the proposed reduction to the minimum rear yard setback and area. There was a long and arduous process to update the R4 zoning and agree what constitutes a good low-rise apartment project. The planning rationale that the addition is replacing parking with housing is weak. The purpose of the 30 per cent of lot depth rear setback in R4 zoning is to set the standard for reasonable infill development and is intended to provide reasonable space for amenity area and tree canopy.
- Concerns with the applicant's claim that the proposed addition is "mimicking setback and massing conditions that are common along this laneway" and the lack of data provided to substantiate the assertion.
- Clarification requested on how residents living in the addition will access their units. Safety concerns with access potentially being exclusively from the laneway.

Response

Staff are supportive of the proposed reductions to the minimum rear yard setback as it permits development on the site in a manner that balances policy directives to support residential intensification in areas considered 15-minute neighbourhoods and maintain the urban forest canopy. It also removes parking to support the shift towards more sustainable modes of transportation.

Residents of the addition will be able to access their units from the main entrances along Russell Avenue. Residents may enter through the entrances on Russell Avenue and access their units through the basement of the existing building.