

**Subject: Zoning By-law Amendment – 246 Westhaven Crescent**

**File Number: ACS2024-PDB-PSX-0014**

**Report to Planning and Housing Committee on 11 September 2024**

**and Council 18 September 2024**

**Submitted on August 30, 2024 by Derrick Moodie, Director, Planning Services,  
Planning, Development and Building Services**

**Contact Person: Margot Linker, Planner II, Development Review All Wards**

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**Ward: Kitchissippi (15)**

**Objet : Modification du Règlement de zonage – 246, croissant Westhaven**

**Dossier : ACS2024-PDB-PSX-0014**

**Rapport au Comité de la planification et du logement**

**le 11 septembre 2024**

**et au Conseil le 18 septembre 2024**

**Soumis le 30 août 2024 par Derrick Moodie, Directeur, Services de la planification,  
Direction générale des services de la planification, de l'aménagement et du  
bâtiment**

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**Quartier : Kitchissippi (15)**

## REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 246 Westhaven Crescent, as shown in Document 1, to permit conversion of a three-unit dwelling to a six-unit dwelling, 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 September 18, 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 à apporter au *Règlement de zonage* (n° 2008-250) pour le 246, croissant Westhaven, comme indiqué dans le document 1, afin d’autoriser la conversion d’un triplex en immeuble de six logements, comme l’expose 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 greffe 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 18 septembre 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**

246 Westhaven Crescent

**Owner**

Michel Baroud

**Applicant**

Susan D. Smith

**Architect**

Susan D. Smith

**Description of site and surroundings**

The subject site is located on the west side of Westhaven Crescent, which is south of Clare Street in the Westboro neighbourhood. The rectangular-shaped site has approximately nine metres of frontage on Westhaven Crescent with a lot depth of 60.3 metres and lot area of 534 square metres. The site is currently zoned Residential Third Density, Subzone R (R3R) and is occupied by a three-unit dwelling.

Within the vicinity of the subject site, the neighbourhood is characterized generally by low-rise, low- to medium-density residential dwellings. Immediately to the west of the subject site, abutting the subject site to the rear, is a hydro corridor and further west is Tweedsmuir Avenue. Immediately to the south is a Residential Fourth Density zone, and further south is a high-rise residential building and a planned unit development. To the east of Westhaven Crescent is Kirkwood Avenue, and to the north is Clare Street.

**Summary of proposed development**

The subject site was previously granted minor variances in 2015 (D08-02-15/A-00041) related to lot width, projections, side yard setback, combined width of parking spaces, driveways and walkways, and front yard setback to facilitate the construction of a three-unit dwelling, which was constructed in 2016.

The purpose of this application is to accommodate the internal conversion of the existing three-unit dwelling to a six-unit low-rise apartment dwelling consisting of a mix of unit types, including studio, one-bedroom, two-bedroom and three-bedroom units. The second and third storeys cantilever over one residential vehicular parking space, six bicycle parking spaces, and waste storage at the front of the property. The waste and bicycle storage are proposed to be screened from the street. The applicant is proposing 51 square metres of soft landscaped outdoor amenity area in the rear yard

and 25 square metres of soft landscaping in the front yard. No physical changes to the exterior of the existing building are proposed.

Some elements related to shared entrances between units are still being discussed within the context of the Building Code review of the building permit required for the conversion. Depending on how these elements are resolved, the six-unit dwelling may be considered either a low-rise apartment, or a stacked dwelling for zoning purposes. Staff will therefore be referring to both of these potential outcomes in this report, but this will have no impact on the design or massing of the building.

### **Summary of requested Zoning By-law amendment**

The Zoning By-law Amendment application seeks to rezone the subject property from “Residential Third Density, Subzone R (R3R)”, to “Residential Fourth Density, Subzone UC, Urban Exception ‘xxxx’ (R4UC[xxxx])”, as shown in Document 1, to permit a low-rise apartment or stacked dwelling subject to the following site-specific zoning exceptions:

- To permit a minimum lot width of 9.04 metres, whereas the zoning by-law requires a minimum lot width of 10 metres for a low-rise apartment and 14 metres for a stacked dwelling.
- To permit a northerly side yard setback of 0.73 metres and southerly side yard setback of 1.14 metres, whereas the zoning by-law requires a minimum side yard setback is 1.5 metres.
- To permit a walkway to extend to the right-of-way, whereas the zoning by-law prohibits a walkway from extending to the right-of-way on a lot less than 10 metres in width where a driveway is also provided.
- To limit the number of dwelling units to six, whereas a low-rise apartment building in the R4UC zone permits up to eight units on this lot size and a stacked dwelling does not have a maximum unit limit.

## **DISCUSSION**

### **Public consultation**

The applicant worked with Councillor Jeff Leiper’s office to organize a virtual Zoom public consultation meeting, which was held on February 13, 2024. The applicant and four members of the public were in attendance. Community members raised concerns with parking and traffic from the proposed apartment building, and there were suggestions for providing bus passes, on-street parking passes, and for a ride-share

vehicle to be installed on the site. In addition, there was a concern regarding the proposed unit sizes not accommodating families.

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

### **Official Plan designation(s)**

The property is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood within the Evolving Overlay on Schedule B2 of the Official Plan. This area anticipates the enhancement of urban built form and site design characteristics and supports a wide variety of housing types with a focus on missing-middle housing. Alternative modes of transportation, such as walking, cycling and transit are prioritized in this area.

### **Heritage**

The property is not located within a Heritage Conservation District, nor is it affected by the Zoning By-law's Heritage Overlay. The existing building and lands are not designated under the *Ontario Heritage Act*.

### **Urban Design Review Panel**

The proposed development is not within a design priority area and is therefore not subject to review by the panel.

### **Planning rationale**

#### Official Plan

The site in question is located within the Inner Urban Transect Policy Area on Schedule A in the Official Plan. This Policy Area anticipates the enhancement or establishment of urban patterns of built forms and site design, while prioritizing walking, cycling and transit. Table 6 encourages an emphasis on the built-form relationship with the public realm, higher lot coverage, minimal functional side yard setbacks, and limited parking that is concealed from the street. The Inner Urban Transect is generally planned for mid- to high-density development, where Neighbourhoods accommodate residential growth through supporting a wide variety of low-rise housing types with a focus on missing-middle housing (5.2.4). The proposed conversion maintains the low-rise massing while introducing additional density on the site.

The property is designated as Neighbourhood within the Evolving Overlay on Schedule B2 of the Official Plan. Neighbourhoods, while constituting the heart of communities, are planned for ongoing gradual transformation to permit a mix of building forms and densities (6.3). The Evolving Overlay is applied to areas in close proximity to Hubs and

Corridors to signal a gradual evolution over time to see a change in character to support intensification and a more urban built form (5.6.1). The proposed rezoning will permit additional density and missing middle housing in close proximity to a corridor (Kirkwood Avenue) to support the evolution towards healthy walkable 15-minute neighbourhoods.

Section 4.2.1 Housing seeks to enable greater flexibility and an adequate supply and diversity of housing options throughout the City through permitting a range of housing options across all neighbourhoods and promoting diversity in unit sizes and densities. In addition, this section also seeks to regulate through density, built form, height, massing and design rather than through restrictions on building typology. The proposed conversion of a three-unit dwelling to a six-unit low-rise apartment or stacked dwelling utilizes the existing building to provide missing middle housing with a variety of unit sizes.

### Zoning By-law

As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site from R3R to R4UC and to include site-specific provisions. Similar zoning provisions related to setbacks were previously approved by the Committee of Adjustment at the time of the 2015 decision for the construction of the three-unit dwelling. While these new provisions are identical in value to those included in the Committee of Adjustment's decision, the additional request for an increase in the number of units changes the definition of the dwelling type from a three-unit dwelling to a low-rise apartment dwelling or stacked dwelling, which triggers the need for a Major Zoning By-law Amendment, and the change from the R3 to R4 zone. The following summarizes the site-specific zoning provisions and planning rationale, which generally seek to reflect the existing building's footprint and overall site conditions:

- The proposal seeks a reduction to the minimum lot width to 9.04 metres. While the R4UC zone's performance standards requires a minimum lot width of 10 metres for a low-rise apartment containing a maximum of eight units or 14 metres for a stacked dwelling, the existing lot size is wide enough to adequately accommodate unit access, access to the rear yard, waste and bike storage and movement, a driveway, walkway, and soft landscaping for the proposed development.
- The proposal seeks a reduction to the minimum interior side yard setback to 0.73 metres from the northernmost property line and to 1.14 metres from the southernmost property line, whereas the R4UC zone's performance standards requires a minimum 1.5 metre side yard setback. The side yard setbacks are an existing condition for the three-unit building that occupies the site today, and the

conversion to six units does not cause any undue adverse impacts. Waste and bicycle parking are not impacted by this reduction as they are stored at the front of the building, below the cantilevered second and third storeys. The southernmost yard is sufficient to provide adequate access to the rear yard softly landscaped amenity area. The northernmost yard setback ranges in size, from 1.38 metres at the front yard and reducing to 0.73 metres at the rear yard, and provides adequate access to units and exterior wall maintenance.

- The proposal seeks to permit a walkway to extend to the right-of-way where a driveway is also provided on the subject site. This relief will regularize an existing site condition to address the provisions introduced to the Zoning By-law in 2020. While the subject site does have a single-wide driveway, it exceeds the amount of soft landscaping required and provides a necessary walkway for the movement of waste bins and bicycles.
- The proposal seeks to restrict the number of dwelling units permitted in a low-rise apartment building or stacked dwelling to six. The existing R3R zone restricts dwelling types to a maximum of three principal units. The site is subject to the Evolving Overlay, which signals a gradual change in character to support intensification. The proposed R4UC zone, a zone which currently affects the area immediately south of the subject site, does permit up to eight units in a low-rise apartment on a lot with a minimum width of 10 metres and area of 300 square metres, and permits higher densities on larger lots. The concept plans demonstrate that six units with a diverse range of sizes and bedroom counts can be provided within the existing building and on the undersized lot. In addition, while the subject site meets the minimum soft landscaping/outdoor amenity requirements, the subject site also abuts a recreational trail to the west. The limit being applied to six units is to reflect the balance of site functionality and number of units on an undersized lot.

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

### **Provincial Policy Statement**

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

### **RURAL IMPLICATIONS**

There are no Rural Implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR(S)**

Councillor Jeff Leiper is aware of the application and supportive of it.

## **ADVISORY COMMITTEE(S) COMMENTS**

N/A

## **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendations contained in the report

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management concerns. Sanitary impact is negligible and the site is very small, so rooftop only controls will reduce the existing runoff.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Based on the number of dwelling units, barrier-free units are not required under the 2012 Ontario Building Code.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more livable for all.

## **APPLICATION PROCESS TIMELINE STATUS**

The statutory 90-day timeline for making a decision on this application under the *Planning Act* will expire on October 1, 2024.

## **SUPPORTING DOCUMENTATION**

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning



## Document 3 Consultation Details

### **CONCLUSION**

The Planning, Development, and Building Services Department supports the application and proposed Zoning By-law Amendment. The proposal is consistent with the Official Plan policies in the Inner Urban Transect Policy Area, as well as those related to Neighbourhoods and the Evolving Overlay. The proposed Zoning By-law Amendment is appropriate for the site and maintains policy objectives related to housing. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law Amendment.

### **DISPOSITION**

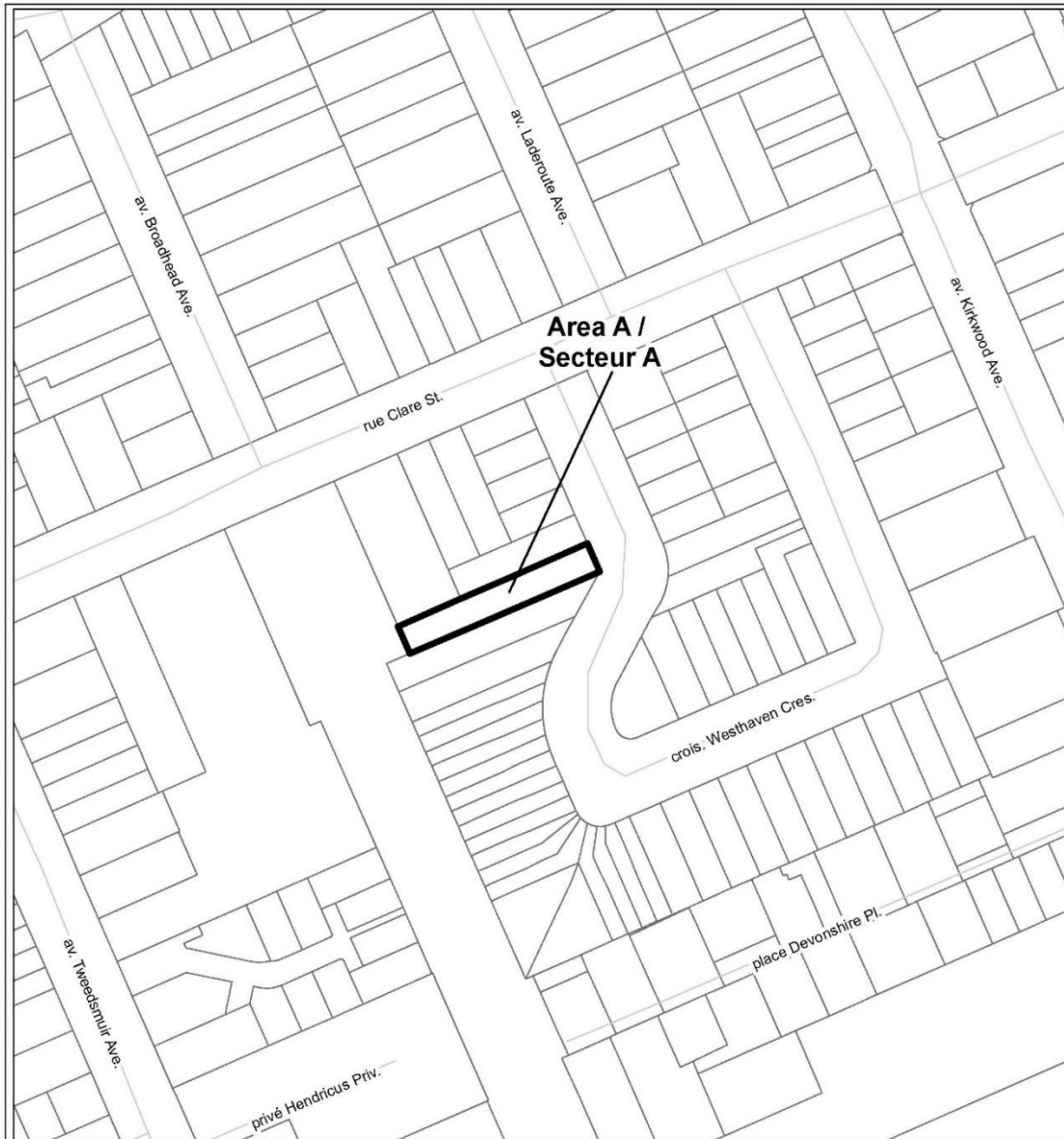
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.




The Planning, Development and Building Services Department will prepare an implementing by-law and forward it 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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-24-0018	24-0810-X	<b>246 crois Westhaven Cres</b>	
I:\CO\2024\Zoning\Westhaven_246		 Area A to be rezoned from R3R to R4UC[xxxx] Le zonage du secteur A sera modifié de R3R à R4UC[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>		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)	
<small>©Les données de parcelles appartiennent à Teranet Enterprises Inc.                  et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit                  sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2024 / 07 / 24			

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 246 Westhaven Crescent:

- 1) Rezone the lands as shown in Document 1;
- 2) Add a new exception xxxx to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a) In Column I, Exception Number, add the text “xxxx”
  - b) In Column II, Applicable Zones add the text “R4UC[xxxx]”
  - c) In Column V, Provisions, add the text:
    - The following provisions apply to an apartment dwelling, low-rise and to a stacked dwelling:
      - i. Minimum lot width: 9.04 metres
      - ii. Minimum interior side yard setback:
        - from the northernmost property line: 0.73 metres
        - from the southernmost property line: 1.14 metres
      - iii. Despite Subsection 144(4)(e), a walkway may extend to the right-of-way on a lot less than 10 metres in width where a driveway is also provided.
      - iv. Maximum number of dwelling units: six

## **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 public meeting was also held virtually on February 13, 2024. A total of 11 public comments were received during the formal circulation period.

### Public Comments and Responses

#### Comment:

There were concerns raised regarding the provision of one parking space not adequately supporting the perceived demand for parking for the proposed six-unit low-rise apartment. Members of the public raised concerns about increased on-street parking creating congestion on the street, especially in the winter during large snowfalls. There were also concerns raised about pedestrian safety when vehicles park on the street where there are no sidewalks.

#### Response:

Within this area of the City, no parking is required for the first twelve units of any residential developments under the Zoning By-law. A property developed without parking is intended to attract tenants that do not own vehicles. While it is not required, a single driveway is provided on the site to accommodate one residential vehicular parking space.