

10. Zoning By-Law Amendment – 975 Woodroffe Avenue and 2194 Benjamin Avenue

Modification au Règlement de zonage – 975, avenue Woodroffe et 2194, avenue Benjamin

Committee Recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 975 Woodroffe Avenue and 2194 Benjamin Avenue to remove 'rooming house' as a permitted use as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification au Règlement de zonage 2008-250 pour le 975, avenue Woodroffe et le 2194, avenue Benjamin afin de supprimer « maison de chambres » à titre d'utilisation permise à ces emplacements, comme le précise le document 2.

Documentation / Documentation

1. Director's report, Planning Services, Infrastructure and Economic Development Department, dated August 6, 2019 (ACS2019-PIE-PS-0082)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 6 août 2019 (ACS2019-PIE-PS-0082)

2. Extract of draft Minutes, Planning Committee, August 22, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 22 août 2019

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of September 25, 2019, 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 11, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 25 septembre 2019 du 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 septembre 2019 ».

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
22 August 2019 / 22 août 2019**

**and Council
et au Conseil
11 September 2019 / 11 septembre 2019**

**Submitted on 6 August 2019
Soumis le 6 août 2019**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person / Personne ressource:

**Derrick Moodie, Manager / Gestionnaire, Development Review West / Examen des
demandes d'aménagement ouest
(613) 580-2424, 15134, derrick.moodie@ottawa.ca**

Ward: BAY (7) / BAIE (7)

File Number: ACS2019-PIE-PS-0082

**SUBJECT: Zoning By-law Amendment – 975 Woodroffe Avenue and 2194
Benjamin Avenue**

**OBJET: *Modification au Règlement de zonage – 975, avenue Woodroffe et
2194, avenue Benjamin***

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 975 Woodroffe Avenue and 2194 Benjamin**

Avenue to remove 'rooming house' as a permitted use as detailed in Document 2.

2. That Planning 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 City Clerk and Solicitor's Office 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 11, 2019," subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au *Règlement de zonage 2008-250* pour le 975, avenue Woodroffe et le 2194, avenue Benjamin afin de supprimer « maison de chambres » à titre d'utilisation permise à ces emplacements, comme le précise le document 2.
2. Que le Comité de l'urbanisme 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 de l'avocat général 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 septembre 2019 », 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

975 Woodroffe Avenue and 2194 Benjamin Avenue

Owner

2524491 Ontario Inc.

Applicant

City of Ottawa, attn. Derrick Moodie

Description of site and surroundings

The subject site is an assembly of two properties. This is a through lot having frontages on the east side of Woodroffe Avenue, immediately north of Highway 417 and adjacent to the northbound Woodroffe Avenue off ramp, and on the westerly end of Benjamin Avenue, where the street terminates in a cul-de-sac. The site has an area of 2083 square metres, with 47.5 metres of frontage along Woodroffe Avenue and 13 metres of frontage along Benjamin Avenue (see Document 1).

An 8-unit row house is nearing the end of construction on the subject site, each unit with a secondary dwelling unit, for a total of 16 units and 96 bedrooms. Vehicular access to the residential development is via Benjamin Avenue along a private road named Amaya.

The 417 Highway and Woodroffe Avenue flank the south and west sides of the subject site, a church is located immediately to the north, and a low-density residential neighbourhood is located to the east of the site. The site is located 2.2 kilometres north of Algonquin College.

Summary of requested Zoning By-law amendment proposal

The current zoning of the subject site is Minor Institutional Zone, Subzone A, Special Exception 1769 (I1A[1769]). The I1A zoning permits a range of institutional-type uses, such as community centre, day care, museum, municipal service centre and school, as well as a limited list of residential uses including retirement home, residential care facility and rooming house. Exception 1769 serves to permit additional residential uses ranging from detached dwelling to townhouse dwelling, similar to the list of uses permitted in the Residential Form Density Zone (R4).

The report recommends the removal of 'rooming house' from the list of permitted uses for this site, which would prevent the current and future owners from making this site a rooming house. (See Document 2). No other changes are proposed.

Brief history of proposal

A zoning report ([ACS2014-PAI-PGM-0145](#)) was brought forward to Planning Committee on Thursday, 21 August 2014 to permit an eight-unit three storey townhouse development, which was subsequently approved by Council.

Site Plan approval was granted on October 27, 2015 for the construction of the proposed townhouse development. After site plan approval was granted and before construction permits were issued, the property was sold to a new owner. The new owner approached the City on a number of separate occasions to make small incremental changes to the proposal, including increase in the bedroom count, addition of secondary dwelling units and converting the parking garages to living space. None of the individual changes to the plan triggered a formal site plan control revision application. Construction permit was issued in 2018 for the eight townhouse units and eight secondary dwelling units and the building is now close to completion. The final bedroom count within the 8 townhouses, including the secondary dwellings is 96.

The [Residential Fourth Density \(R4\) Zoning Review](#) began in January 2016 and was approved by Council on June 13, 2018. A stated objective of the review is to "Prohibit further development of dwelling units with unreasonably large bedroom counts in multi-unit dwellings". The amendment defined/redefined the terms bedroom, detached dwelling, dwelling unit, household, total floor area residential unit and rooming house. The property at 975 Woodroffe Avenue is zoned Minor Institutional Subzone A, Urban Exception 1769. Urban Exception 1769 permits townhouse dwellings and requires that they comply with the provisions of the R4 and R4A zones.

On July 18, 2018, Bay Ward Councillor Taylor raised community concerns requesting Staff undertake a review of the approvals process and determine the impact the R4 Zoning Study would have had on this development had the application been received then. [Inquiry Response OCC 11-18](#) states: "Had the 975 Woodroffe Avenue development been reviewed under the Zoning By-law as amended by the R4 Review, it would have limited it to four bedrooms each in all of the units, including the secondary dwelling units. Furthermore, if the units were to be rented by the room to individuals as

opposed to each unit being rented to a household unit, they would have been classified as rooming houses and would not be permitted.”

In response to further community concerns, on February 14, 2019, Councillor Kavanagh brought forward a motion at Planning Committee directing staff to bring forward a report to remove ‘rooming house’ as a permitted use on the subject property (see Document 4). The motion referenced community concerns related to noise, parking spillover and garbage caused by the large number of people living in these dwellings, and the possible exacerbation of these potential issues if this development were to convert to a rooming house, in accordance with the definition presented in the Zoning By-law.

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.

Ten residents provided comment in response to the circulation. All comments either directly or indirectly supported the proposal to remove ‘rooming house’ as a permitted use on the subject site. Many commenters outlined their concerns with the current bedroom count, and the potential impacts on their neighbourhood.

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

Official Plan designations

The subject property is designated General Urban Area according to Schedule B of the Official Plan. This designation permits a wide range of uses and housing types.

It should be noted Section 3.1(3) of the Official Plan states a rooming house is listed as a generally permitted use. The policy states that, for lands within the General Urban Area, where the zoning by-law permits a dwelling, a rooming house will also be permitted.

Planning rationale

The removal of rooming house as a permitted use is not consistent with the direction set out in Section 3.1(3) of the Official Plan, as this policy states that rooming houses will be

permitted where dwellings are permitted within the General Urban Area.

The removal of rooming house as a permitted use is consistent with the Residential Fourth Density (R4) Zoning Review, as the current zoning's Urban Exception 1769 permits townhouse dwellings and requires that they comply with the provisions of the R4 and R4A zones. The [Residential Fourth Density \(R4\) Zoning Review](#) includes an objective to "Prohibit further development of dwelling units with unreasonably large bedroom counts in multi-unit dwellings". Had the 975 Woodroffe Avenue development been reviewed under the Zoning By-law as amended by the R4 Review, it would have limited it to four bedrooms each in all of the units, including the secondary dwelling units.

Given that, and in consideration of the large number of bedrooms that have been developed at this site, staff recognize the impacts that the current development would have in the community should it be allowed to convert to a rooming house.

The level of community concerns in regards to this development has been significant. Staff recognize that given the number of residents at this location, transitioning this site into a rooming house would cause even greater concerns. In response to the unique circumstances surrounding this development, and in response to the Council Motion directing staff to bring forward this report, staff are recommending removal of the rooming house use from the subject site.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

There are no rural implications.

COMMENTS BY THE WARD COUNCILLOR

Councillor Kavanagh is aware of this report and its recommendations.

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

As this report deals only with the removal of a permitted use, there are no accessibility impacts.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Governance, Planning and Decision Making

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Councillor T. Kavanagh's Motion to Planning Committee, February 14, 2019

Document 5 2015 Site Plan for 975 Woodroffe Avenue and 2194 Benjamin Avenue

Document 6 Current Site Plan for 975 Woodroffe Avenue and 2194 Benjamin Avenue

CONCLUSION

Staff support the removal in this instance as it is a unique and isolated circumstance.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

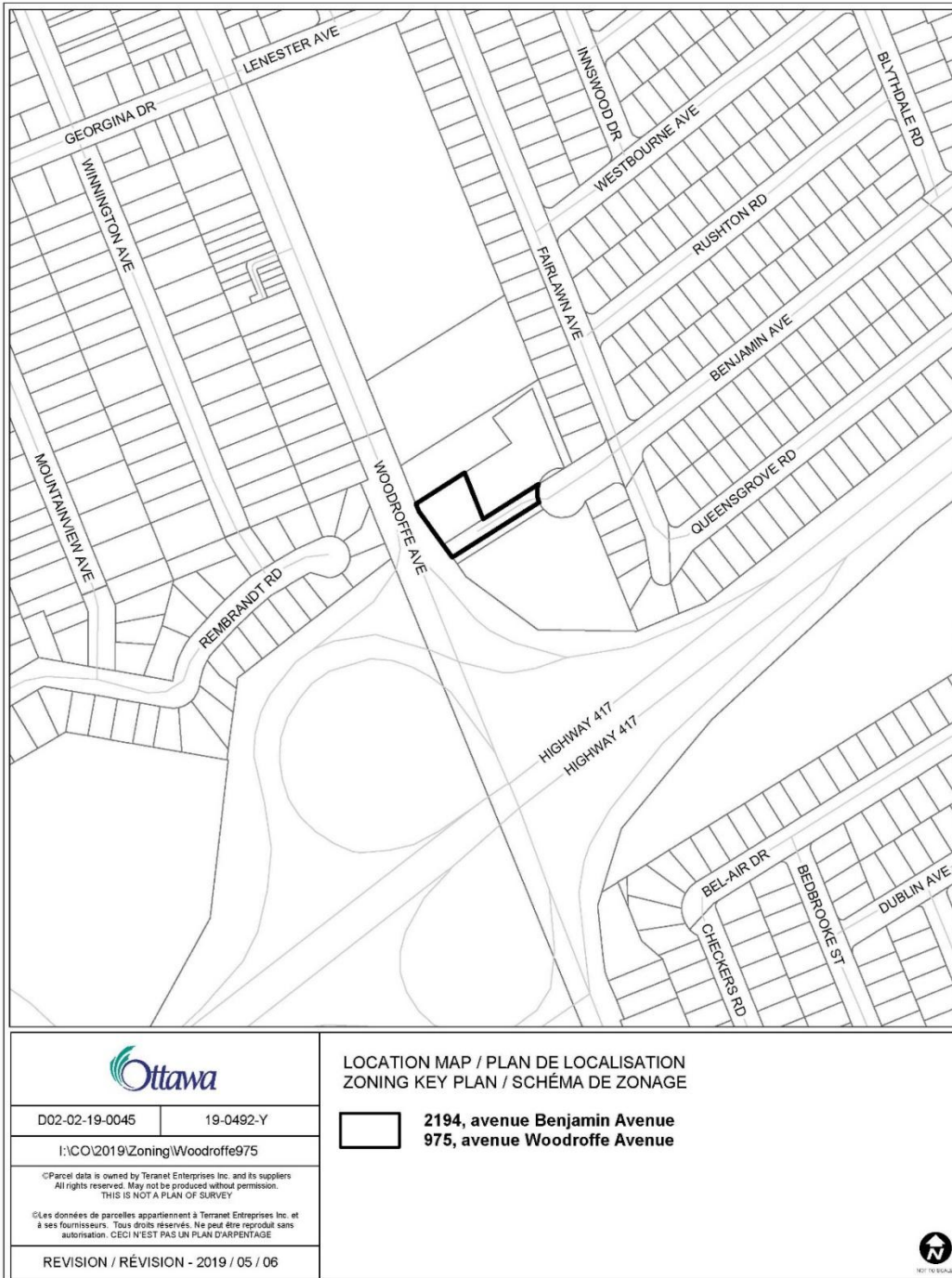
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 975 Woodroffe Avenue and 2194 Benjamin Avenue.

1. Add to column IV 'Land Uses Prohibited', of exception 1769 the following:
 - a) rooming house

Document 3 – Consultation Details

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.

Ten residents wrote in to provide comment on this application. The comments provided are summarized as follows:

Comment:

The changes to the townhouse development should not have happened as the additional people will have a negative impact on the adjacent community.

Response

The community's concerns have been noted, yet at the time that the changes to the bedrooms was being made, the zoning by-law did not regulate this aspect of development. Since that time, changes have been made through the R4 zoning study to limit bedroom counts, which will prevent a similar situation from happening in the future.

Comment:

Rooming house should be removed from the list of permitted uses.

Response:

Support for the amendment is noted.

Comment:

On-street parking will become a problem with so many people occupying the building.

Response:

This comment relates more to concerns with the current bedroom counts in the townhouse units. Anyone parking on the street will be required to abide by the Traffic and Parking By-law.

Document 4 – Councillor T. Kavanagh's Motion to Planning Committee, February 14, 2019

Councillor T. Kavanagh has provided the following motion for Planning Committee's consideration:

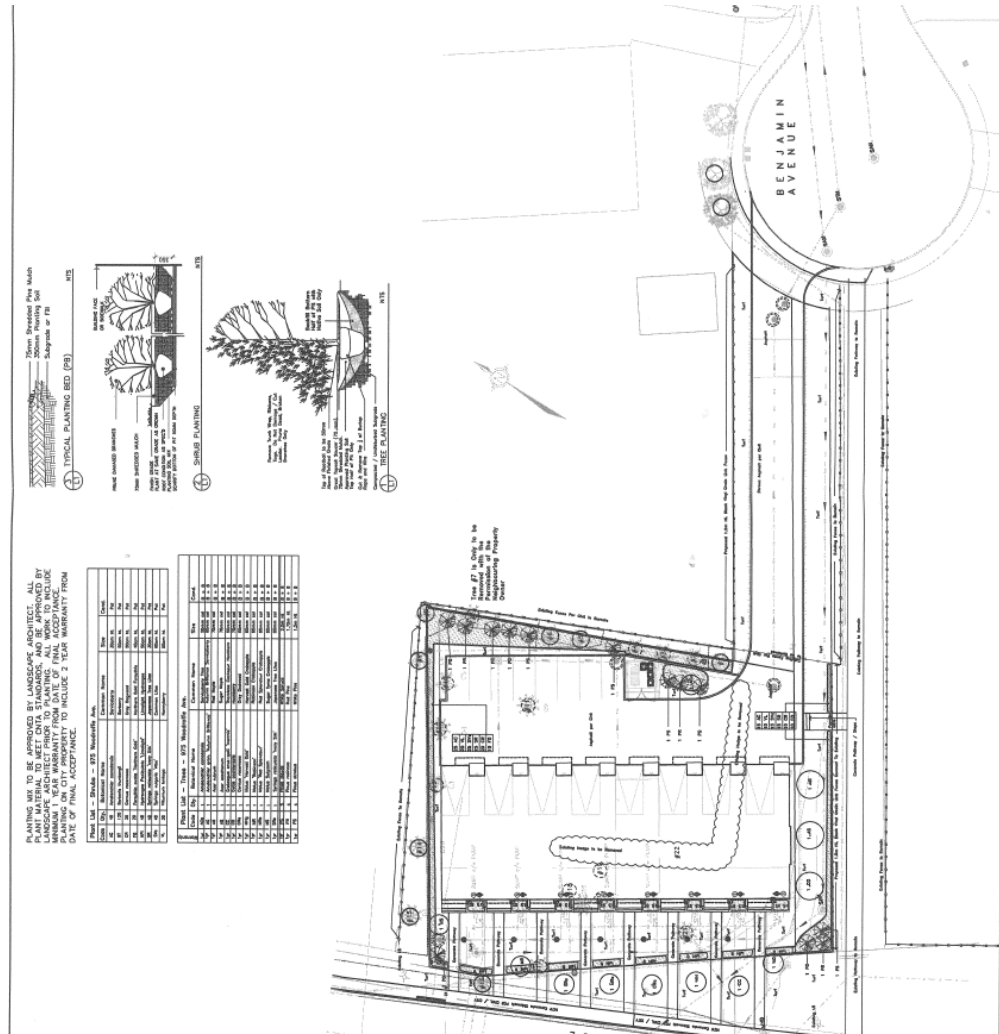
WHEREAS the Site Plan application at 975 Woodroffe Avenue was approved for 8 townhouse units; and

WHEREAS the number of bedrooms has increased beyond what anyone in the community could have anticipated during the approval phase; and WHEREAS this intensity creates community concerns related to parking, garbage, traffic and noise; and

WHEREAS there are concerns that this intensity will further increase if this development operates as a rooming house;

THEREFORE BE IT RESOLVED THAT staff initiate a rezoning for 975 Woodroffe Avenue to remove 'Rooming House' as a permitted use on this site.

Document 5 – 2015 Site Plan for 975 Woodroffe Avenue and 2194 Benjamin Avenue



Document 6 – Current Site Plan for 975 Woodroffe Avenue and 2194 Benjamin Avenue

