

**2. Zoning By-law Amendment – 258 Carruthers Avenue**

**Modification au *Règlement de zonage* – 258, avenue Carruthers**

**Committee Recommendation**

**That Council approve an amendment to Zoning By-law 2008-250 for 258 Carruthers Avenue to permit a 14-unit low-rise apartment dwelling, as detailed in Document 2.**

**Recommandation du Comité**

**Que le Conseil approuve une modification du *Règlement de zonage 2008-250* visant le 258, avenue Carruthers pour permettre la construction d'un immeuble d'appartements de faible hauteur abritant 14 logements, comme l'indique le document 2.**

**Documentation / Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 11, 2019 (ACS2019-PIE-PS-0062)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 11 juin 2019 (ACS2019-PIE-PS-0062)

2. Extract of draft Minutes, Planning Committee, June 27, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 27 juin 2019

3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of August 28, 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 July 10, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 28 août 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 10 juillet 2019 ».

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
27 June 2019 / 27 juin 2019**

**and Council  
et au Conseil  
10 July 2019 / 10 juillet 2019**

**Submitted on 11 June 2019  
Soumis le 11 juin 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**

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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2019-PIE-PS-0062**

**SUBJECT: Zoning By-law Amendment – 258 Carruthers Avenue**

**OBJET: Modification au *Règlement de zonage* – 258, avenue Carruthers**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 258 Carruthers Avenue to permit a 14-unit low-rise apartment dwelling, 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 July 10, 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 du *Règlement de zonage 2008-250* visant le 258, avenue Carruthers pour permettre la construction d'un immeuble d'appartements de faible hauteur abritant 14 logements, comme l'indique 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 10 juillet 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

258 Carruthers Avenue

**Owner**

Jordan Tannis

**Applicant**

Robertson Martin Architects

**Architect**

Robertson Martin Architects

**Description of site and surroundings**

The subject property is located on the west side of Carruthers Avenue between Ladouceur Street and Armstrong Street in the neighbourhood of Hintonburg. The site has 19.2 metres of frontage on Carruthers Avenue, and has a lot area of 540.4 square metres. A two-storey residential use building containing five dwelling units and a one-storey accessory building currently occupy the property. Surrounding the subject property is a mix of low-rise residential uses, ranging from detached dwellings to low-rise apartment dwellings.

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

The subject property is currently zoned R4H (Residential Fourth Density, Subzone H). The owner would like to construct a three-storey 14-unit low-rise apartment dwelling on the site, which is not permitted under the current zoning. The R4H zone permits a maximum of four dwelling units in a low-rise apartment dwelling. It is proposed to add a site-specific exception to the current zoning to permit the increase in units, and to add site-specific performance standards relating to the low-rise apartment dwelling, as the proposal is not in conformity with some of the applicable zoning provisions in the R4H zone, including the rear yard setback, parking, amenity area, and walkway width.

**DISCUSSION**

**Public consultation**

A public information session was held on January 15, 2019 at the Hintonburg Community Centre. Approximately 20-25 people were in attendance, and a representative from the Hintonburg Community Association also attended the information session. Many of the comments and concerns that were raised by those in

attendance at the information session related to the proposed density, parking, loss of privacy related to proposed balconies in the rear yard, and ongoing issues with construction on Carruthers Avenue. Many of the concerns that were raised by those who were in attendance at the public information session, and those who provided written comments through the circulation process, were addressed by the applicant and revisions were made to the plans. The details of how these comments and concerns were addressed can be found in Document 3 of this report.

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

### **Official Plan designation**

In accordance with Schedule B of the Official Plan, the property is designated within the General Urban Area.

### **Other applicable policies and guidelines**

The site is located within the Scott Street Secondary Plan and Community Design Plan area. The property is identified as being within the Low-Rise Residential Designation within the Secondary Plan and Community Design Plan.

### **Planning rationale**

The proposed zoning amendment is consistent with the applicable Official Plan policies, including the General Urban Area designation (Section 3.6.1), as well as the Scott Street Secondary Plan and Community Design Plan.

In the General Urban Area designation, the policy framework permits many types and densities of housing and indicates that building heights in the General Urban Area will continue to be predominantly low-rise, and changes in building form, height and density will be evaluated based on compatibility with the existing context and the planned function of the area. Furthermore, when considering a proposal for residential intensification through infill or redevelopment, the City will recognize the importance of creating a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles.

The planned function of the R4 zone is to allow a mix of residential building forms ranging from detached to low-rise apartment dwellings in order to provide a range of housing options, while regulating development in a manner that is compatible with existing land use patterns. Carruthers Avenue is currently characterized by a mix of

housing types, ranging from detached dwellings to low-rise apartment buildings on lots of varying sizes. In proximity to the subject property is a three-storey, 10-unit low-rise apartment building similar in scale to the proposal for 258 Carruthers Avenue. Across the street from the subject property is a property zoned R4T, as well as a property zoned R4S, both of which permit the level of density contemplated for the subject property. Furthermore, the properties south of Armstrong Street are zoned R4M, which does not limit the number of dwelling units permitted in a low-rise apartment dwelling.

Given the immediate context of the site, which includes a mix of housing types at various scales, as well as properties zoned to permit a higher number of dwelling units within a low-rise apartment dwelling, the proposal to construct a three-storey, 14-unit apartment building is in keeping with the context of surrounding uses or the planned function of the area.

Within the Scott Street Secondary Plan area, the range of uses permitted in the General Urban area designation in the Official Plan is also permitted in the Low-Rise Residential designation of the Secondary Plan. In accordance with Schedule B of the Secondary Plan, the maximum permitted height for the subject property is three-storeys. Small-scale infill and intensification within the Low-Rise Neighbourhood area is supported by the Plan. The proposed development on the subject property is consistent with the policy direction in the Secondary Plan, as it represents small-scale intensification within a three-storey building.

The Scott Street Community Design Plan encourages low-rise residential infill development on underutilized sites within neighbourhoods but seeks to ensure that the character of local streetscapes, including front yards, is maintained. The proposed development is compatible with the character of the existing streetscape along Carruthers Avenue, and the proposed front yard setback is in line with neighbouring buildings.

With respect to the additional relief being sought through this Zoning By-law amendment, including a reduced rear yard setback (8.42 m to 6.25 m), reduced parking (one to zero), reduced amenity area (156 square metres to 142 square metres), and increased walkway width (1.25 m to 2.5 m), staff are of the opinion that the relief sought is appropriate and represents good planning. The proposed rear yard setback is consistent with other rear yard setbacks found within this block of Carruthers Avenue, which does not have a consistent pattern of rear yards. The existing building on the site is built right to the rear lot line, so the proposed rear yard setback will be an

improvement over what currently exists on the site. While the proposed development is deficient in total amenity area required by 14 square metres, the amenity area provided in the rear yard exceeds the amount of communal amenity area required by Section 137 of the Zoning By-law, which is 120 square metres. Additional amenity area was to be provided on balconies at the rear of the building, but in response to privacy concerns from neighbours, the balconies have been removed. Staff are satisfied that the amenity area provided in the rear yard is sufficient for the proposed development.

With respect to parking, staff are satisfied that in this instance, zero parking spaces can be supported, given that only one resident parking space is required, and no visitor parking spaces are required. More than double the required bicycle parking spaces are being provided, which allows for alternative transportation options for residents. Additionally, the subject property is located in a very walkable neighbourhood and is in close proximity to multiple transit routes along Wellington Street West, as well as along the Transitway.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014, as the development represents an efficient use of land and contributes to the city's mix of housing choices.

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

### **COMMENTS BY THE WARD COUNCILLOR**

The Ward Councillor is aware of the application associated with this report.

### **LEGAL IMPLICATIONS**

Members of Council will be aware that Bill 108 has been enacted by the Legislature. However, at the time of the writing of this comment, draft transitional regulations have not been provided. Thus, it is not known if a zoning by-law enacted at this time would be subject, upon appeal, to the Bill 139 procedure or the Bill 108 procedure. In any event, should the recommendations be carried and the matter appealed to the Tribunal, it is anticipated that the appeal can be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal of a refusal, an external planner would need to be retained.



## **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with the recommendation in this report.

## **ASSET MANAGEMENT IMPLICATIONS**

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

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications associated with the approval of the zoning amendment. In the event the zoning amendment is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

## **ACCESSIBILITY IMPACTS**

The proposed Zoning By-law amendment does not have an impact on the accessibility of the building. The accessibility of the building will be addressed through the Site Plan Control process, and the owner will be required to meet any accessibility criteria contained within the Ontario Building Code.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- HC3 – Create new and affordable housing options
- GP1 – Strengthen public engagement
- EP2 – Support growth of local economy

## **APPLICATION PROCESS TIMELINE STATUS**

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to extra time needed for the applicant to work to resolve some of the issues and concerns that were raised during the circulation of the application.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Details of Recommended Details

Document 3 Consultation Details

## **CONCLUSION**

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law Amendment application to add a site-specific zoning exception to the current R4H zoning to permit a higher number of dwelling units on the subject property and to have site-specific performance standards relating to a low-rise apartment dwelling. The proposal is consistent with the Provincial Policy Statement and the City's Official Plan policies, including the Scott Street Secondary Plan, and represents good planning. The department recommends the requested amendment be approved.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; 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.

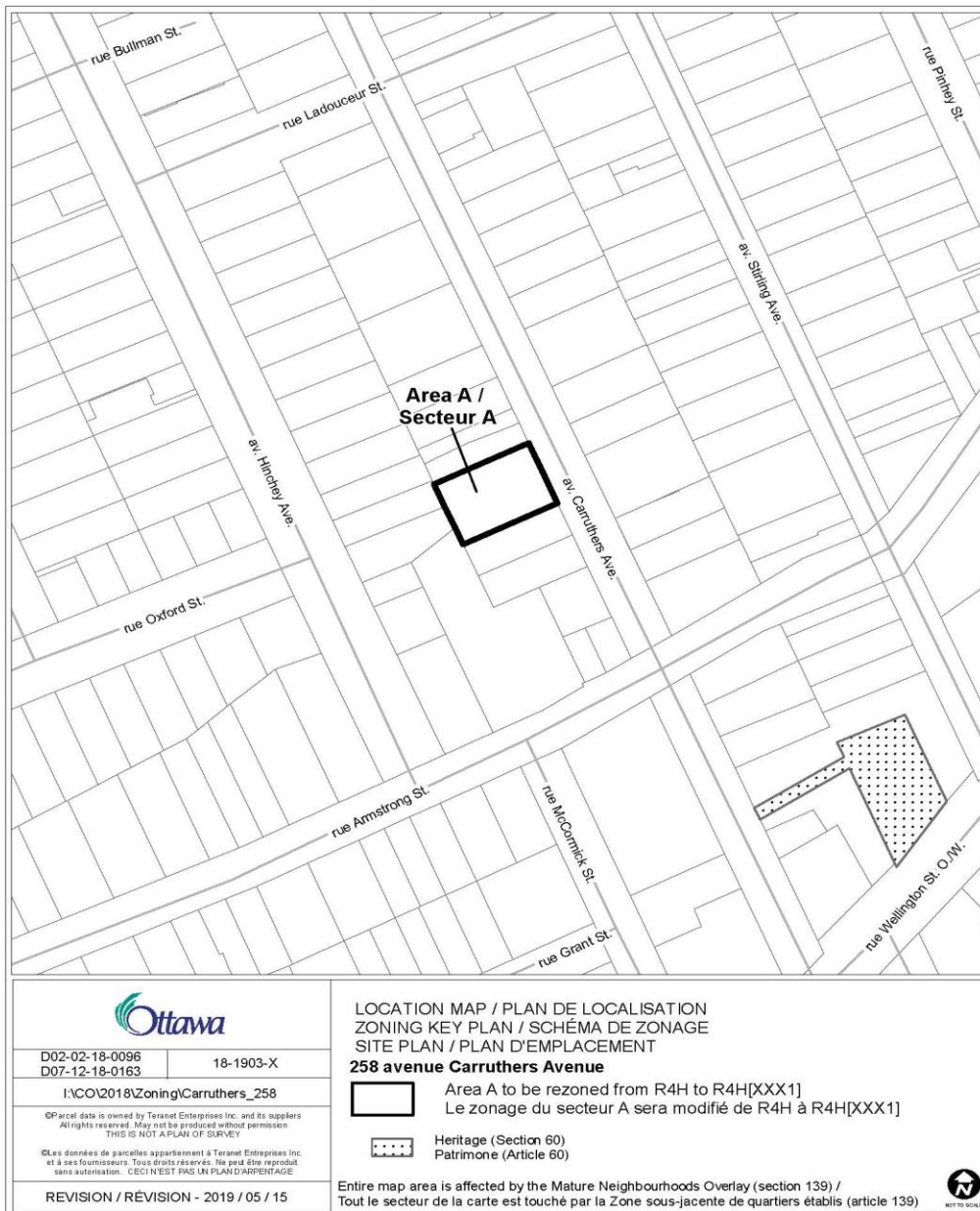
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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

## Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)

The subject property is located on Carruthers Avenue, between Armstrong Street and Ladouceur Street.



## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 258 Carruthers Avenue:

1. Rezone the lands shown in Document 1 from R4H to R4H [XXX1]
2. Add a new exception R4H [XXX1] to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a. In Column II, add the text “R4H [XXX1]”
  - b. In Column V, add the following provisions:
    - i. The maximum number of permitted dwelling units in a low-rise apartment dwelling: 14 units
    - ii. The minimum rear yard setback for a low-rise apartment dwelling: 6.2 metres
    - iii. Despite Section 137, minimum total amenity area for a low-rise apartment: 142 square metres.
    - iv. Of the total amenity area, a minimum of 120 square metres must be communal amenity area, subject to the following:
      - be located at grade and in the rear yard;
      - be landscaped;
      - consist of at least 80% soft landscaping; and
      - be located at grade and in the rear yard and may include one interior yard that abuts both the rear yard and interior side yard.
    - v. No parking is required for a low-rise apartment dwelling containing up to 14 dwelling units.
    - v. Despite Section 139, the maximum width of a walkway is 2.5 metres.

### **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. One public meeting was also held in the community on January 15, 2019 at the Hintonburg Community Centre.

#### **Public Comments and Responses**

##### **Density**

Comment:

16 units is overly dense for this site.

Response:

The number of dwelling units proposed has been reduced to 14 units. Staff are of the opinion that the proposed density is appropriate on the subject property.

Comment:

The units are too small and look cramped and uncomfortable.

Response:

The Ontario Building Code regulates the minimum size of living spaces and bedrooms within a dwelling unit and the proposed units comply with these size requirements.

Comment:

Are there other existing similar dwellings of this size of lot in the neighbourhood?

Response:

The neighbourhood is characterized by a mix of low-rise housing types, ranging from detached dwellings to low-rise apartment buildings on lots of varying sizes.

Comment:

Ideally, the scope of the building would be a compromise between a variety of needs: increased density and appropriate density for existing street and immediate neighbourhood, and a design that adds to the quality of life/aesthetic of the community.

Response:

Staff are of the opinion that the proposed density is appropriate on this street and in the neighbourhood as a whole. The design of the building has evolved over the course of the review of the application and can be further refined through the Site Plan Control process.

Comment:

Reduced density and height, that is a compromise between the existing zoning and proposed density would be preferred.

Response:

The proposed building complies with the maximum height requirement for the R4H zone. The proposed number of units has been reduced from 16 to 14 units and staff are of the opinion that this is appropriate level of density on the subject property.

Comment:

8 to 10 units would be more appropriate for this site.

Response:

Staff are of the opinion that 14 units is an appropriate level of density on the subject property.

Comment:

Larger units (i.e. 3 bedrooms) should be provided. In order to contribute to diversity and affordability in the neighbourhood, more three-bedroom and barrier free units are needed.

Response:

A three-bedroom, barrier free unit was added on the ground floor of the proposed building, and the plans indicate that one additional barrier free unit is located on the ground floor.

### **Traffic/Parking**

Comment:

Traffic and parking congestion is already a problem in this neighbourhood, and this development will make the problem worse.

Comment:

Carruthers has very little capacity for street parking due to its width and the number of driveways.

Comment:

Onsite parking should be provided so as not to increase the need for on street parking.

Response:

Based on the number of units proposed, only one resident parking space is required and no visitor parking is required to be provided. Providing one parking space on the subject property would have negligible impacts on relieving on-street parking pressures in the area.

### **Bicycle Parking**

Comment:

At least 1 space per unit should be provided.

Response:

Additional bicycle parking has been provided and there is now one space per unit.

Comment:

The limited space for covered bike parking does not compensate for the lack of parking.

Response:

In addition to the covered bicycle parking located at the front of the building, additional bicycle parking has been provided inside the building in a bicycle storage room.

### **Affordable Housing**

Comment:

There is a need for more affordable housing in this neighbourhood, particularly as existing residents are being priced out as new infills are constructed.

Response:

An increase of purpose-built rental units within the neighbourhood will help to relieve some of the pressure on the rental market and provide residents with more secure rental options in the neighbourhood.

### **Balconies**

Comment:

Balconies in the rear will create privacy issues for adjacent lots.

Comment:

One suggestion is to eliminate the balconies in the rear and put balconies on the front of the building to create a better relationship to the street and to allow for better interaction with the surrounding community.

Comment:

The balconies are not large enough to sit out on them and they do not create a very nice neighbourhood feel.

Response:

Balconies in the rear have been removed and Juliet balconies have been added to the front and rear of the building.



## **Fencing**

Comment:

Is there going to be a fence constructed along the rear lot line?

Response:

A fence is to be installed along the rear property line.

## **Design**

Comment:

Building design – the rendering suggests a rectangular design, with small windows and very little creativity from a design perspective.

Response:

The design of the building has evolved over the course of the review of the application. Larger windows have been added to the front of the building.

Comment:

The proposed rendering suggests the building will be have very little to no green space, especially in the front yard, and fill a large proportion of the lot. It will not enhance the streetscape. The NW rendering does not match or reflect the reality of the structure on the lot, when compared to the visual documentation in the site plan. We should be trying to improve the fabric, aesthetic and quality of life of the neighbourhood; this proposal reinforces a treeless status quo. It also disregards the impact to the few existing structures and dwellings on the street that have front and rear lawns, green space, trees - all elements that enhance the aesthetic, fabric and quality of life of the community. Best practice in healthy built environments and communities overwhelmingly recommend redevelopment with green space on the redeveloped properties.

Comment:

Plant street trees/trees in the front yard.

Response:

Additional landscaping, including additional trees, have been added in the front yard. Trees are also proposed to be planted in the rear yard, and over 50 per cent of the lot is soft landscaping.

**Other concerns**

Comment:

Carruthers Avenue already has several new developments under construction, which is making it difficult to move along the street because of construction vehicles, torn up sidewalks and roads, and potholes. Sidewalks are blocked by construction and this development will exacerbate this problem.

Response:

The issue of construction associated with other new developments along Carruthers Avenue is outside the scope of the review of this particular development application.

Comment:

Concerns with blasting and the effect on neighbouring foundations.

Response:

Details about excavation and/or blasting will be provided through the Site Plan Control application and Building Permit application.

Comment:

Has there been an abatement done on the property to ensure there is no asbestos?

Response:

If asbestos is found during the demolition of the existing building, the owner is required under provincial legislation to take adequate measures to have it safely removed from the site to ensure the health and safety of the construction workers on site.

**Community Organization Comments and Responses**

The Hintonburg Community Association is opposed to this proposal as presented at the January 16 Open House.

Residents support the redevelopment of this site and generally support the design of the proposed low-rise apartment. We are not opposed to an increase above the maximum of 4 units permitted in the by-laws since this lot is larger than most in the neighbourhood.

We suggest that 8 - 10 units would be acceptable. This reduction in the number of units would allow the applicant to do the following:

- meet the performance standards in the by-law, in particular the rear yard set-back requirement;
- provide indoor bicycle parking, and increase the number to accommodate at least one bicycle per unit since there is no car parking;
- provide several larger units in order to increase the range of housing offered, especially for families to live in this family-friendly neighbourhood;
- increase the number of washers/dryers to accommodate the needs of families;
- provide garbage storage inside the building; this could be easily arranged by reversing the location of the outdoor bicycle parking and the garbage enclosure; and
- provide storage units in the basement for residents – the units are quite small and storage space for seasonal items is a valuable amenity.

We also recommend the following:

- recessed front balconies to meet the hydro set-back and provide eyes on the street;
- retain/redesign the rear balconies – every unit should have outdoor amenity space; and
- more trees, in both front and rear yards.

We note that the level of intensification permitted in North Hintonburg is significant. The impact on this narrow one-way street is proving stressful - single family homes (sometimes duplexed) are being replaced by long-semis, often with accessory units, or

by triplexes with basement units that can become a 4th unit, built to the permitted height (i.e. much higher than the existing built form).

Since there are many more lots with potential for intensification, we are concerned that the cumulative effect will overwhelm the existing fabric of this community, especially if development on individual lots is permitted to increase the permitted density to the extent proposed here.

Response:

Many of the Hintonburg Community Association's comments and concerns have been addressed by the applicant. The number of units has been reduced from 16 to 14, additional landscaping and trees have been added in the front yard, garbage storage is being provided within an interior garbage room on the ground floor, additional bicycle parking is being provided, storage units are provided in the basement, Juliet balconies with large windows have been added at the front and rear of the building, and a larger three-bedroom unit has been added.