

5. Zoning By-law Amendment – 300, 302, 304 and 306 Elmgrove Avenue
Modification au Règlement de zonage – 300, 302, 304 et 306 avenue Elmgrove

Committee recommendations, as amended

That Council approve an amendment to Zoning By-law 2008-250 for 300, 302, 304 and 306 Elmgrove Avenue to permit four (4) low-rise apartments with four (4) dwelling units each, as detailed in Document 2, as amended by the following:

1. The recommended interior side yard setback be a minimum of 1.1 metres to avoid a sideyard zoning deficiency; and
2. That Document 2 – Details of the Recommended Zoning be amended to change the minimum interior side yard setback from 1.2 metres to 1.1 metres; and
3. That pursuant to the *Planning Act*, subsection 34(17) no further notice be given.

Recommandations du Comité, telles que modifiées

Que le Conseil approuve une modification apportée au *Règlement de zonage 2008-250* et visant les 300, 302, 304 et 306, avenue Elmgrove afin de permettre la construction de quatre (4) immeubles résidentiels de faible hauteur composés chacun de quatre (4) logements, comme le précise le document 2, dans sa version modifiée par ce qui suit :

1. Que l'on recommande un retrait minimal de 1,1 m pour la cour latérale intérieure afin d'éviter tout manquement en matière de zonage;
2. Que l'on modifie le document 2 – Détails du zonage recommandé de manière à remplacer le retrait minimal pour la cour latérale intérieure de 1,2 m par 1,1 m; et,
3. Qu'aucun autre avis ne soit donné, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 18, 2019 (ACS2019-PIE-PS-0130)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 18 novembre 2019 (ACS2019-PIE-PS-0130)

2. Extract of draft Minutes, Planning Committee, November 28, 2019

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 28 novembre 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
28 November 2019 / 28 novembre 2019**

**and Council
et au Conseil
11 December 2019 / 11 décembre 2019**

**Submitted on 18 November 2019
Soumis le 18 novembre 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:
Andrew McCreight, Planner III / Urbaniste III, Development Review Central /
Examen des demandes d'aménagement centrale
(613) 580-2424, 22568, Andrew.McCreight@ottawa.ca**

Ward: KITCHISSIPPI (15)

File Number: ACS2019-PIE-PS-0130

SUBJECT: Zoning By-law Amendment – 300, 302, 304 and 306 Elmgrove Avenue

**OBJET: Modification au Règlement de zonage – 300, 302, 304 et 306 avenue
Elmgrove**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 300, 302, 304 and 306 Elmgrove Avenue to**

permit four (4) low-rise apartments with four (4) dwelling units each, 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 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 December 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 apportée au *Règlement de zonage 2008-250* et visant les 300, 302, 304 et 306, avenue Elmgrove afin de permettre la construction de quatre (4) immeubles résidentiels de faible hauteur composés chacun de quatre (4) logements, 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 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 décembre 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

300, 302, 304 and 306 Elmgrove Avenue

Owner

Antilia Homes and Caruso Holdings Inc.

Applicant

Murray Chown, Novatech

Architect

Miroca Design Incorporated

Description of site and surroundings

The subject site is located to the east of the intersection of Winona Avenue and Elmgrove Avenue, next to Lion's Park, within the Westboro Neighbourhood of Ward 15 – Kitchissippi.

Four triplexes are currently under construction on the site. Two shared driveways lead to the rear yards where four parking spaces are provided; one per building. Each of the buildings are located on a 274 square metre lot.

North of the site is a residential planned unit development. Further north is Scott Street and Westboro Station. To the east is Lion's Park and the Ottawa gymnastics club. Further to the east is a neighbourhood of predominantly low-rise detached dwellings. South of the site is Picton Avenue, and Richmond Road beyond further south which is characterized by commercial uses including restaurants and shops. To the west is a neighbourhood of predominantly low-rise single housing, and the mixed-use corridor of Churchill Avenue North.

Summary of requested Zoning By-law amendment proposal

The applicant is proposing four low-rise apartment buildings by adding a fourth dwelling unit in the basement to each of the approved triplexes. Reductions in the zoning requirements for the interior side-yard setback, lot width, lot area, and communal amenity area are required to permit a fourth unit in each building by converting the three-unit dwellings into low-rise apartments. No changes are proposed to the approved

massing of the buildings. Minor changes are proposed to the landscape plan including the addition of bicycle parking and waste storage areas.

The subject site is currently zoned Residential Fourth Density – Subzone G (R4G), which permits a range of uses from detached to low-rise apartment dwellings with up to four dwelling units.

The applicant is requesting an amendment to the Zoning By-law to add site-specific exceptions (R4G[XXXX]) to the current zoning of the subject lands. The amendment contains the following exceptions:

- A reduced lot area of 274 square metres whereas 360 square metres is required.
- A reduced lot width of 9 metres where 12 metres is required.
- A reduced side-yard setback of 1.2 metres where 1.5 metres is required.
- A reduced communal amenity area requirement of 44 square metres where 60 square metres is required in current zoning policies.

Brief history of proposal

The referenced triplexes at 300, 302, 304 and 306 Elmgrove Avenue were subject to approval by the Committee of Adjustment (CofA). The CofA approved the applications for Consent of Severance (D08-01-18/B-00248 and D08-01-18/B-00249; D08-01-18/B-00251 and D08-01-18/B-00252) and Minor Variances (D08-02-18/A-00241 and D08-02-18/A-00242; D08-02-18/A-00246 and D08-02-18/A-00247) which resulted in four parcels that would each contain one proposed three-storey, three-unit dwelling. Approval was granted on August 30, 2018, and the three-unit dwellings were issued their respective building permits on January 9, 2019 and March 5, 2019. At the time of these proposals the applicant was very clear about the ultimate intentions for each building was to contain four dwelling units, which would be subject to further development applications (rezoning and site plan control).

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 ten respondents commented on the proposal.

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

Official Plan designation

The site is located within the General Urban Area designation as shown on Schedule B of the City's Official Plan.

Other applicable policies and guidelines

The Urban Design Guidelines for Low-rise Infill Housing provides a framework to encourage quality design and infill development that is compatible.

Planning rationale

Official Plan Policies

This application has been reviewed under the consolidated Official Plan (2003) and amendments in effect from Official Plan Amendment 150 (OPA 150).

The site is designated as General Urban Area (Section 3.6.1), which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstance. Residential intensification through infill will respond to the existing character to enhance desirable patterns and built form, while also achieving a balance of housing types and tenures.

Section 2.2.2 of the Official Plan explains that managing intensification within the Urban Area speaks to supports intensification in the interior portions of stable, low-rise residential neighbourhoods where development will enhance and complement desirable characteristics as well as the area's pattern of built form and open spaces. The subject properties are located on Elmgrove Avenue in an area zoned for low-rise apartment buildings with evidence of existing and new developments establishing similar built forms. The addition of the fourth dwelling unit in each building complements the areas built-form. Moreover, the previously approved, and currently under construction, triplexes will not change the building mass as the additional unit is internal. The proposed application will continue to limit parking to one parking space per building, while also providing additional bicycle parking; this aligns with promoting compact, transit-oriented development. Westboro Station is within 400 metres walking distance.

Section 2.5.1 and 4.11 of the Official Plan provides policy direction for urban design and compatibility. Section 2.5.1 is broad in nature with design objectives such as defining

quality spaces, ensuring safety and accessibility, respecting the character, as well as considering adaptability, and sustainability.

Section 4.11 can be applied to individual properties and provides direction on impacts between new and existing development. Key design and compatibility items, such as the design and function of the amenity area and parking, or landscaping, will be implemented through Site Plan Control. There have also been discussions about the possibility of achieving a sidewalk on Elmgrove Avenue, which will be confirmed through the Site Plan application. Relevant to this proposal, Section 4.11 contains policy that includes ensuring the development respects outdoor amenity areas of surrounding residential properties and reflects a less car-oriented streetscape by minimizing car-dependency and encouraging transit use. The developments parking spaces are limited to one per building to contribute to pedestrian activity, promote active transportation and transit ridership, and maximize the amount of landscaping. With the fourth unit, the rear yard amenity area (44 square metres), although smaller than what is required (60 square metres), is considered useable and functional in size and location. The rear yard treatment and amount of amenity area is compatible with the surrounding rear yards. Additionally, Lion's Park is located on the abutting property to the east.

While the current zoning by-law does not require any parking, the department is willing to maintain one parking space per property but want to ensure that the addition of the fourth unit resulted in a functional site (bicycle parking, amenity, waste/refuse storage etc.) and complements the existing character.

Staff are satisfied that the requested Zoning By-law amendment is consistent with the Official Plan. The proposal allows for intensification within an existing built form that is consistent with the surrounding context and includes site improvements. This includes landscaping that ensures compatibility and desirable spaces in relation to surrounding residential properties. Adding a fourth unit in the basement of each building results in changing the residential use from a three-unit dwelling to a low-rise apartment building; both land-uses are permitted in the R4G zone. The reduced setbacks and lot size do not cause any adverse impacts on the site functionality.

Zoning Details

As detailed in Document 2, the proposed Zoning By-law amendment will add a site-specific exception [xxxx] to the R4 zone for various performance standards. The following summarizes the rationale for approving the amendment:

- The R4G zone requires a minimum 1.5 metres interior side-yard setback within 21 metres of the front lot line and a minimum 6 metres interior side-yard setback for any portion of the building beyond 21 metres of the front lot line. The approved three-unit dwellings provide interior side-yard setbacks of 1.2 metres and 1.5 metres, respectively. The requested relief reflects existing conditions and the proposed fourth-unit does not impact the built form. The department has no concerns with using the existing setback for permission in the conversion from a three-unit dwelling to a low-rise apartment.
- The R4G zone requires a minimum lot area of 360 square metres and a minimum lot width of 12 metres. The approved three-unit dwellings provided for a minimum lot area of 274 square metres and a minimum lot width of 9.0 metres. The lot width and lot area are suitable for a low-rise apartment building containing four dwelling units as has been demonstrated by the site functionality, which consists of ample landscaping, shared driveway access, sufficient rear yard amenity area (in addition to private balconies), safe and convenient bicycle parking, and a dedicated waste storage area designed for City collection.
- The R4G zone requires a minimum rear yard amenity area of 60 square metres. Each of the proposed developments provide a total amenity area of 64 square metres, of which 44 square metres is communal in the rear yard and the remainder is private amenity space in the form of balconies. Although the provided amenity area does not meet the required performance standards, the department has no concerns as the amount is sufficient relevant to the development scale and is consistent with similar developments in the area. Additionally, the site is located within proximity to Lion's Park and other neighbourhood amenities.

The Department supports the proposed Zoning By-law amendments and is of the opinion that the proposal is consistent with the Official Plan and represents appropriate intensification that is compatible with its surroundings.

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 associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Leiper provided the following comments:

“For several years, the community and I have expressed our strong opposition to the back-door approach taken by developers to adding fourth units into purported triplexes. Developers will often seek variances from the Committee of Adjustment for buildings that don't require a re-zoning, such as triplexes in the R4 zones. When those have been completed, and revenues achieved, the developers then come back to Council to ask for a re-zoning which they receive as a rubber stamp.

Clearly, the City is amenable to adding fourth units into triplexes in highly urban zones. However, residents are seeking some comfort that the process of seeing those become more ubiquitous is based on transparency.

Low-rise apartment buildings are a permitted building form in this R4 zone, and in this instance the builder was transparent with the Committee of Adjustment. While I am cognizant that many of the immediate neighbours will not be comfortable with the added density, my commitment was not to oppose the development at the zoning stage so long as the Committee of Adjustment had all the facts before it. In this instance, it did. The builder was transparent about its plans at the open house that it held, and then again with the CoA.

On the basis of that transparency, I will not be opposing this application.”

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of 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

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- TM2 – Provide and promote infrastructure to support safe mobility choices.
- HC3 – Create new and affordable housing options.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0074) 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

CONCLUSION

The Planning, Infrastructure and Economic Development department supports the application and proposed Zoning By-law amendment. The conversion of the existing three-unit dwellings into an apartment, low-rise by adding a fourth unit in the basement is a suitable form of intensification, and the sites will be improved with more landscaping and useable amenity areas for the tenants. The Official Plan promotes intensification that is desirable and compatible. The proposal complements the surrounding character and the requested amendments are consistent with the Official Plan.

DISPOSITION

Legislative Services, Office of the City Clerk 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, Innovative Client Services Department 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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-19-0074	19-0743-B	 300,302,304,306 av. Elmgrove Ave.	
<small>I:\CO\2019\Zoning\Elmgrove_300_304</small>			
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REVISION / RÉVISION - 2019 / 07 / 08		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)	
			

Document 2 – Details of Recommended Zoning

The proposed amendment to the City of Ottawa Zoning By-law 2008-250 for 300, 302, 304 and 306 Elmgrove Avenue:

1. Rezone the lands as shown in Document 1 from R4G to R4G [xxxx].
2. Amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - a. In Column V, add provisions similar in effect to the following:
 - i. An Apartment Dwelling, Low-rise is subject to the following provisions:
 - a. Minimum required interior side-yard setback is 1.2 metres.
 - b. Minimum required lot area is 274 square metres;
 - c. Minimum required lot width is 9.0 metres; and
 - d. Despite Table 137, rows (3) and (12), column (II), the minimum total amenity area required is 11.0 square metres per dwelling unit.

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Zoning By-law amendments.

Approximately ten respondents commented on the proposal and the following summarizes, in no particular order, a list of the concerns/items raised.

Public Comments and Responses

Comment: Process

- Approval for three-unit dwellings and then immediately apply to permit a fourth unit, circumventing proper process.
- Development occurring prior to requested amendments being approved.
- Concerned about requests that continue to occur after the building is already under construction or complete.

Response:

The buildings currently under construction were issued building permits for a three-unit dwelling. Subsequent permits will be required to establish the fourth unit in each building. Anyone has the right to submit an application, and in this instance, the department supports the four-unit apartment building for the reasons outlined within this report.

Comment: Impacts

- During Committee of Adjustment balconies were shown on the front of the building, and such we did not object. Now they are in the rear and have an impact with privacy and noise.
- If the plan was for four units all along, then the proper side yard setback should have been provided.
- Concerns about increased traffic, infrastructure (street flooding), lack of sidewalk, and insufficient parking.

- Removal of mature trees to be replaced by seedlings.
- This form of development is not affordable.

Response:

With respect to the balconies, the change of location was done at the time of building permit for the three-unit dwellings. The Committee of Adjustment approval for minor variances were tied to the “location and size of the proposed construction”, and the revised balcony location did not change the location and size of the building. The new rear balconies comply with the Zoning By-law and are consistent with the surroundings, such as similar apartments to the rear on Picton Avenue.

The scale of development and requested amendments are appropriate for a four-unit low-rise apartment and the proposal details have demonstrated site functionality. Parking is not required for these developments, and no transportation triggers were met warranting a transportation assessment.

The discussion of adding a sidewalk to Elmgrove Avenue has commenced internally as a result of comments received, and the details will be confirmed through the Site Plan application.

All trees removed were subject to a tree permit, and through Site Plan Control new plantings will be required.

Community Organization Comments and Responses

The Westboro Community Association submitted a letter opposing the application, which included the following reasons:

1. The Community Association has heard from a large number of neighbours in the Elmgrove community who have concerns about this application, including the loss of green space, overdevelopment of the site, not being in keeping with the character of the neighbourhood, issues of drainage, insufficient space for snow and waste storage, concerns about on-street parking, traffic and safety. The Community Association has already witnessed these problems in other developments in the community where we have seen four adjacent triplexes squeezed onto undersized lots. The conversion to four-plexes in this application will only exacerbate these problems.

2. The combined mass of four contiguous structures of this size creates an abrupt transition to neighbouring homes and looms over this short, dead-end street. Granting the amendment sought in this application will worsen the perceived massing and “looming” effect.
3. The traffic that will be generated by adding another four units to these triplexes threatens the walkability of this neighbourhood and poses a safety risk to residents and users of the gymnastics club at the end of the street. This street has no sidewalks. There is a steady stream of children and parents flowing through the roadway as they attend activities at the centre. We have seen the marked change in traffic patterns through the Ravenhill area since intensification of this magnitude has occurred. Whereas increased traffic volume and street parking will be of concern to residents of the Elmgrove community, the Ravenhill community has found some of the biggest safety risks to come from the service vehicles that must access the new buildings with no room to negotiate the site. These include moving vans, snowplows, utility providers, couriers, garbage trucks, property maintenance vehicles, taxis and uber. How will the movement of these service vehicles be managed and the safety of residents and children be protected?

How will the U-turns of these vehicles be managed on a dead-end street? We respectfully remind Committee that 2070 Scott at the corner of Churchill is also slated for redevelopment. Applicants are proposing a 23-storey tower with 200 residential units. Entry and egress are proposed via Winona. We urge the Committee to consider the traffic implications of this application in the broader context of concurrent development plans for the Scott-Winona neighbourhood.

4. In the opinion of the Community Association, the area of Scott- Elmgrove- Winona- Churchill is being overdeveloped in the absence of a solid plan for the Scott corridor and for the low-density residential communities adjacent to it. The broader Westboro community has been very vocal in their opposition to what they deem “over intensification” in Westboro, a concern driven largely by the emergence of this “multiple adjacent triplex” model, where one modest home is replaced with two triplexes. Subsequent conversion to fourplexes yields an eight-fold density increase for that lot. The City currently has several studies underway focused on intensification in our community including the Westboro-Dominion Planning study and the Westboro Infill Zoning Study. The

Community Association encourages Planning Committee to await the results of its planning studies before approving this, or similar, applications for large density increases in our residential neighbourhoods.

We conclude by noting that the Westboro Community Association does not object to intensification in general nor to four-plexes in particular. It is this two-step process of converting a series of *adjacent* triplexes on reduced lot sizes that concerns us. This type of development operates more like a 16-unit apartment building than separate four-unit buildings. However, the triplexes on this site have already been granted reduced lot size and width through Committee of Adjustment, so do not meet the performance standards of a low-rise apartment building in terms of amenity space.

The Westboro Community Association encourages Planning Committee to reject this application for zoning bylaw amendment. Further, we encourage the City to work on features of the site plan approval process that incentivize this two-step application approach.

Response:

The subject properties are located within an "R4" zone that contemplates this type of land use, density, and building mass. The site is not located within the Westboro Infill Study, and the proposed development meets the general intent and purpose of the R4G zone and planned function of the Official Plan.

As mentioned in the report, staff are currently in the process of discussion options that will result in achieving a sidewalk on Elmgrove Avenue. Such details can only be explored and confirmed through the corresponding Site Plan application.