

**4. Zoning By-Law Amendment – 211 Loretta Avenue South**  
**Modification au Règlement de zonage – 211, avenue Loretta sud**

**Committee Recommendation**

**That Council approve an amendment to Zoning By-law 2008-250 for 211 Loretta Avenue South to permit the reduction of select zoning performance standards in order to convert an existing three-unit dwelling into a four-unit low-rise apartment dwelling, as detailed in Document 2.**

**Recommandation du Comité**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant le 211, avenue Loretta Sud, en vue d'abaisser certaines normes de rendement de zonage qui permettraient la conversion d'un triplex existant en immeuble de faible hauteur de quatre logements, comme l'indique le document 2.**

**Documentation / Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated May 8, 2019 (ACS2019-PIE-PS-0045)  
  
Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 8 mai 2019 (ACS2019-PIE-PS-0045)
2. Extract of draft Minutes, Planning Committee, June 13, 2019  
  
Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 13 juin 2019
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of July 10, 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 June 26, 2019".  
  
Résumé des observations écrites et orales à distribuer séparément avec

l'ordre du jour de la réunion du 10 juillet 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 26 juin 2019 »

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
13 June 2019 / 13 juin 2019**

**and Council  
et au Conseil  
26 June 2019 / 26 juin 2019**

**Submitted on 8 May 2019  
Soumis le 8 mai 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:**

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**Ward: KITCHISSIPPI (15)**

**File Number: ACS2019-PIE-PS-0045**

**SUBJECT: Zoning By-law Amendment – 211 Loretta Avenue South**

**OBJET: Modification au Règlement de zonage – 211, avenue Loretta sud**

## **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 211 Loretta Avenue South to permit the reduction of select zoning performance standards in order to convert an**

existing three-unit dwelling into a four-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 26 June 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 211, avenue Loretta Sud, en vue d'abaisser certaines normes de rendement de zonage qui permettraient la conversion d'un triplex existant en immeuble de faible hauteur de quatre 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 26 juin 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**

211 Loretta Avenue South

**Owner**

J & M Investments Ontario Inc.

**Applicant**

Novatech (Danna SeeHar)

**Architect**

Miroca Design

**Description of site and surroundings**

The property is located on the east side of Loretta Avenue South, south of the Young Street intersection and north of the Beech Street intersection. The lot is 352 square metres in area, with 9.75 metres of frontage along Loretta Avenue South, and is currently occupied by a three-unit dwelling.

The property is mostly surrounded by low-rise residential uses, with some mid-rise uses in proximity. The 417 Highway is located further north and the Trillium Pathway and Rail Line is further east.

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

The proposal seeks to add a fourth unit within the basement of the existing three-unit dwelling. A Zoning By-law amendment is required in order to permit the following reductions to the zone standards:

- reduced lot area,
- reduced lot width,
- reduced interior side yard setback,
- reduced landscaped area,
- reduced driveway width.

Staff are currently reviewing a Site Plan Control application for this property, which is required for the addition of new dwelling units in excess of three.

### **Brief history of proposal**

A Committee of Adjustment application for Minor Variance ([D08-02-16/A-00391](#)) was granted in February 2017, which facilitated the construction of the three-unit dwelling. The relief required included a reduction in lot width from 12 metres to 9.75 metres and a reduction in lot area from 360 square metres to 352 square metres. The requested relief also included a reduced driveway width from 2.6 metres to 2.4 metres.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Two individuals provided comments to staff, and the Councillor organized an open-house meeting on May 2, 2019 at 35 Laurel Street to which three residents were present. Issues such as process, setback reductions and local park amenities were raised.

### **Official Plan designation**

The property is designated General Urban Area on Schedule B of the Official Plan, which permits a wide mix of different uses and densities.

### **Urban Design Review Panel**

The application was not subject to the Urban Design Review Panel.

### **Planning rationale**

#### Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014, a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS,

2014 by accommodating for a mix of densities while efficiently using serviced land and resources in order to promote efficient land use and development patterns.

#### Official Plan

The property is designated General Urban Area on Schedule B of the Official Plan. The General Urban Area designation permits the development of a full range and choice of housing types, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This designation is meant to facilitate the development of complete and sustainable communities.

The proposal seeks to obtain reductions to some of the zone's performance standards in order to facilitate the conversion of an existing three-unit dwelling to a four-unit low-rise apartment dwelling, which are quite common across the General Urban designation.

The Official Plan supports intensification throughout the urban area where there are opportunities to accommodate more housing and increase transit use, specifically through the conversion of existing residential buildings to create new dwelling units.

#### Zoning By-law 2008-250

The property is currently zoned R4S in Zoning By-law 2008-250. The R4S zone permits a wide mix of residential buildings, including three-unit dwellings and apartment dwellings, low-rise. The zone also seeks to regulate development in a manner that is compatible with the existing land use patterns so that the character of a neighbourhood is maintained or enhanced.

As identified above, Committee of Adjustment application for Minor Variance was approved in early 2017 in order to obtain relief to the lot width, lot area and driveway width for the construction of the three-unit dwelling currently on the site. The relief consisted of a reduced lot width of 9.75 metres, whereas the By-law requires a minimum lot width of 12 metres, a reduced lot area of 352 square metres, whereas the By-law requires a minimum lot area of 360 square metres and a reduced driveway width of 2.4 metres, whereas the By-law requires a minimum driveway width of 2.6 metres (the Committee of Adjustment decision notice states that the By-law requires a 3 metre driveway width, but this was inaccurate).

The Owner now seeks to add a fourth unit, located entirely within the basement of the existing three-unit dwelling, thus converting the dwelling to an apartment, low rise. The

same relief requested at the Committee of Adjustment for lot area, lot width and driveway width in the construction of the tree-unit dwelling is being sought for the conversion of the dwellings to apartment, low rise, as detailed in Document 2 of this report.

The proposal also includes relief for the interior side yard setback. The By-law requires 1.5-metre side-yard setbacks for any part of the building located within 21 metres of the front lot line, beyond which the side yard setback is 6 metres. The proposal requests a reduction in side yard setback to 1.2 metres on one side and 2.4 metres on the other side of the dwelling, where most of the building wall is set back at 2.5 metres, except for a small pinch point reducing the setback to 2.4 metres. This is consistent with the requirements for three-unit dwellings, which requires that the total interior side yard setback be 2.4 metres, with one minimum yard being no less than 1.2 metres wide.

Furthermore, the proposal includes relief for landscaped area. The Zoning By-law requires that 30% of the lot area be provided as landscaped area for a lot containing an apartment dwelling, low rise. The proposal offers 28% of landscaped area, which represents a difference of approximately 6 square metres. The proposal is currently undergoing Site Plan Control, during which process the applicant is being encouraged to seek out options to further reduce hard surfaces within the parking area.

It is important to note that, while a reduction in landscaped area is being sought, the proposal exceeds the Zoning By-law's requirements for amenity space. Furthermore, as indicated on the proposed site plan, the entire length of the driveway as well as the parking area at the rear are proposed to be constructed of permeable pavers, which helps to address potential concerns related to impermeability and the reduction of soft landscaping surfaces.

Potential impacts of development on a neighbourhood may be felt through design and massing impacts as well as intensification and density impacts. Given that the building will not be expanded or modified as a result of this conversion, the proposed conversion will not have any further impacts on the neighbourhood from a massing, streetscape or lot fabric perspective. Impacts related to intensification and increased density may be felt throughout the neighbourhood when a property being developed can no longer support the increased density through the provision of parking, amenity, etc. In this case, however, the potential for negative impacts of one additional unit on the immediate neighbourhood as it relates to intensification and increased density is rather



limited considering that the amenity space requirements and parking requirements for low-rise apartments are both being met.

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

### **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

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

Councillor Leiper is aware of the report.

### **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. Any Ontario Building Code requirements for accessibility will be imposed at the building permit stage.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- EP2 – Support growth of local economy

- HC3 – Create new and affordable housing options

### **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 Proposed Zoning By-law Amendment

Document 3 Site Plan

Document 4 Consultation Details

### **CONCLUSION**

The Planning, Infrastructure and Economic Development department supports the application and proposed Zoning By-law amendment. The proposal is consistent with the Official Plan policies for the General Urban Area. The proposed zoning amendment is appropriate for the site and maintains policy objectives as it relates to intensification. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law amendment.

### **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.

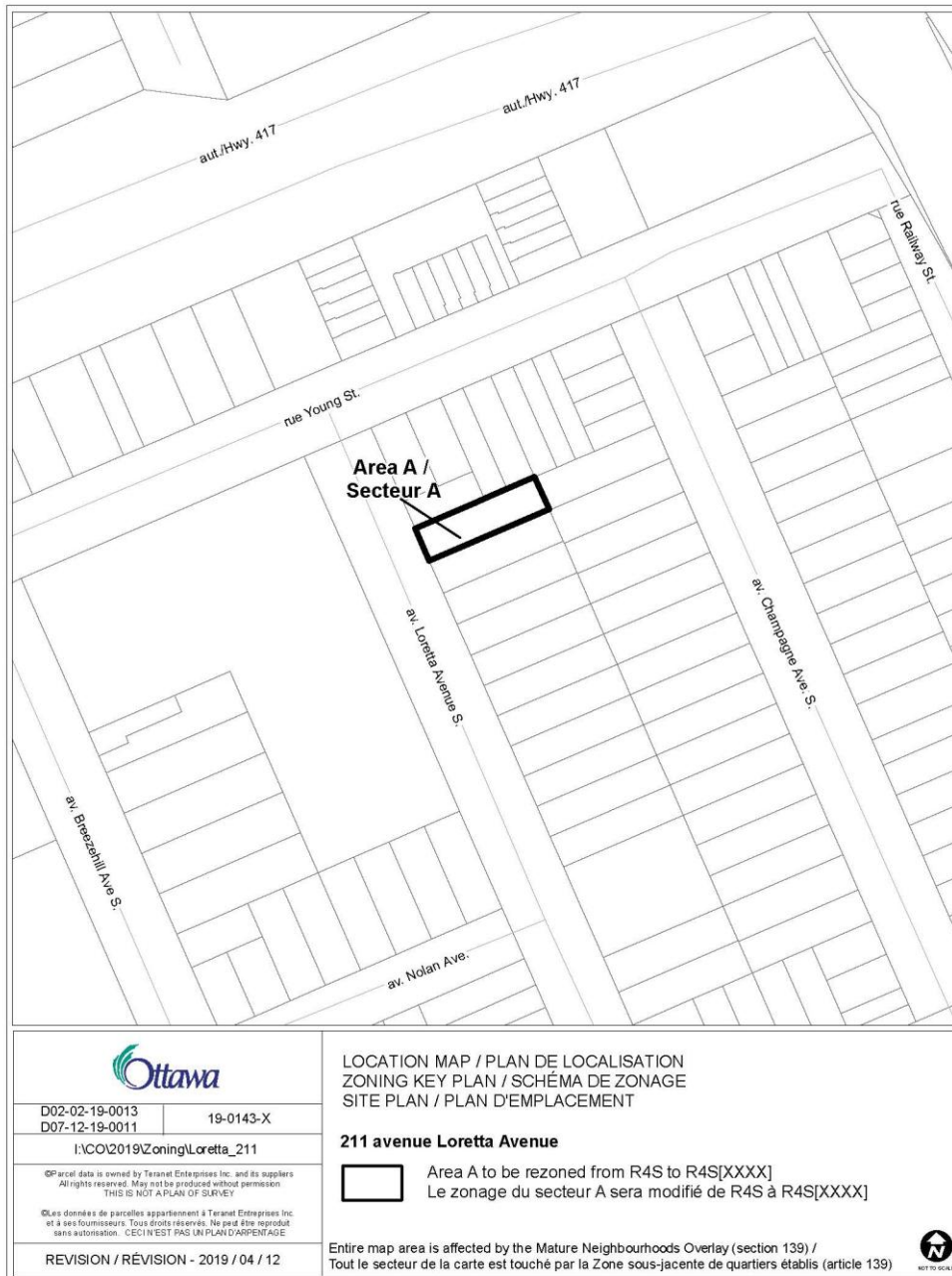
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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)

A map showing the location of the property in question, on the east side of Loretta Avenue South, south of the Young Street intersection.

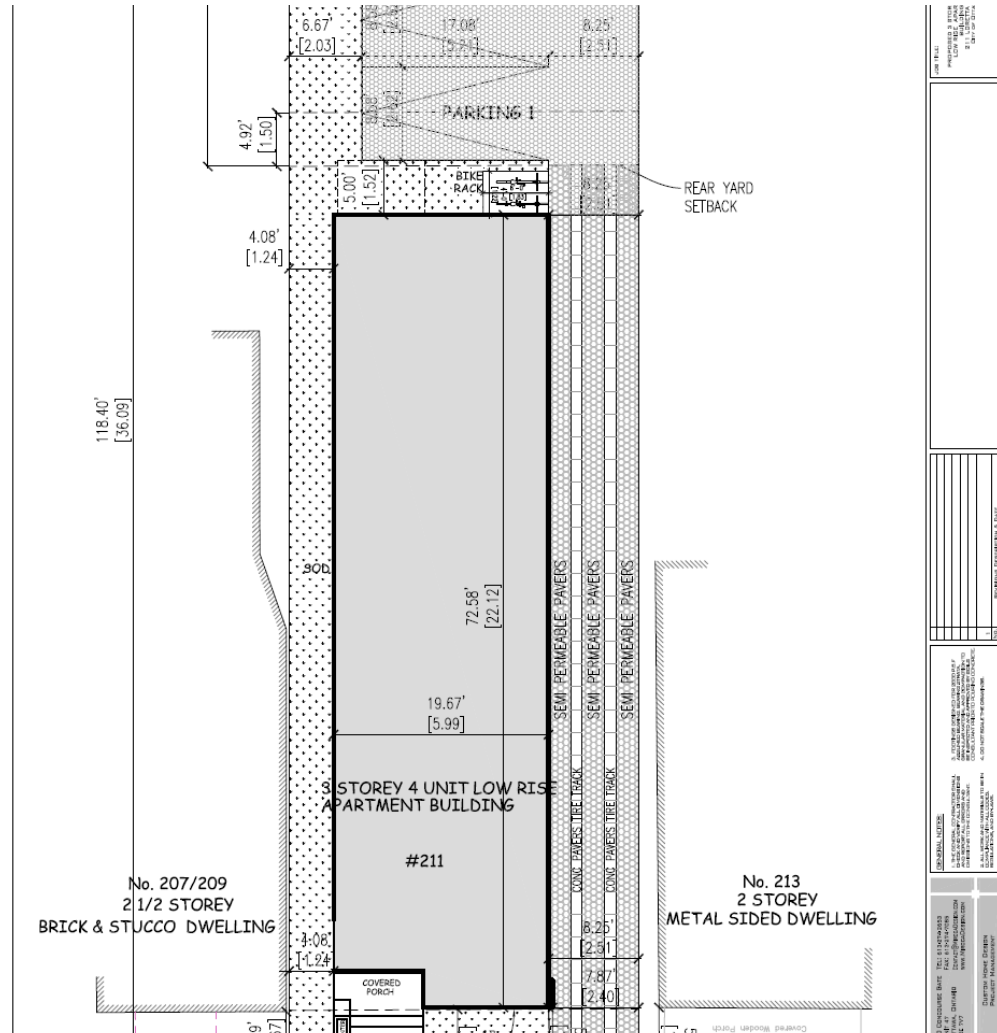


## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for Loretta Avenue South:

1. Area A shown on Document 1 to be rezoned from R4S to R4S[xxxx]
2. Add a new exception, R4S[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column II, Applicable Zoning, add the text, “R4S[xxxx];
  - b. In Column V, Provisions, add the following text:
    - i. “minimum lot area for an apartment dwelling, low rise: 352 square metres”
    - ii. “minimum lot width for an apartment dwelling, low rise: 9.5 metres”
    - iii. “minimum interior side yard setback for an apartment dwelling, low rise: total interior side yard setback is 3.6 metres, with one minimum yard being no less than 1.2 metres wide”
    - iv. “minimum landscaped area requirement for a lot containing an apartment dwelling, low rise: 28% of lot area”
    - v. “minimum driveway width: 2.4 metres”

Document 3 – Site Plan



Document 4 – Consultation Details

Notification and Consultation Process

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

Public Comments and Responses

Comment 1:

It is very discouraging to see how many developers are short cutting the planning procedures by applying for a triplex and then asking for a variance in order to create a fourth apartment.

Staff Response 1:

Regardless of the avenue taken by the developer in order to get to this stage of development, staff must look at the proposal with objectivity and determine if what is being proposed is appropriate for its location and the neighbourhood.

Comment 2:

This "2-stage process" used by the builder to convert a 3-plex to a 4-plex apartment building circumvents the appropriate planning process and important planning considerations such as garbage storage that are not always adequately addressed in the 3-plex approval process.

Staff Response 2:

The applicant is undergoing development applications in accordance with the Planning Act. Due to the fourth unit being added, a Site Plan Control application is currently being reviewed by staff, in which elements such as parking, landscaping and garbage are being addressed.

Comment 3:

When an application for a 3-plex is received, the applicant should have to disclose if they intend to convert it to a 4-plex, and in what timeframe. Should the applicant not disclose their intention to convert the 3-plex into a 4-plex, there should be a 5-year moratorium on conversion.

Staff Response 3:

The *Planning Act* does not impose such moratoriums on development as it relates to conversions.

Comment 4:

Side yard and rear yard setbacks are being ignored. These setbacks are there for a reason and should be respected.

Staff Response 4:

The minimum rear yard setback required by the Zoning By-law is respected and does not require relief. The *Planning Act* offers mechanisms to allow relief from a Zoning By-law's performance standards when deemed appropriate. The relief requested will address differences in performance standards for the new proposed use and will not result in physical changes to the building. Staff is confident that the proposal is appropriate for the site and represents good planning.

Comment 5:

The developers who undertake such conversions should be required to provide some benefits to the community.

Staff Response 5:

Through the Site Plan Control process, staff will be collecting Cash-in-Lieu of Parkland for the additional unit being introduced. These funds are collected for the provision of park and recreational purposes, both at a City-wide scale and across the ward.