

3. Zoning By-law Amendment – 341 and 343 Tweedsmuir Avenue

Modification au Règlement de zonage - 341 et 343, avenue Tweedsmuir

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 341 and 343 Tweedsmuir Avenue to permit the reduction of select zoning performance standards in order to convert an existing pair of three-unit dwelling into four-unit low-rise apartment dwellings, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant les 341 et 343, avenue Tweedsmuir, selon laquelle certaines normes de rendement de zonage seraient réduites afin de permettre la transformation de deux triplex en quatre immeubles résidentiels de faible hauteur et contenant quatre logements, comme l'expose en détail le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 26, 2020 (ACS2020-PIE-PS-0039)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 26 mars 2020 (ACS2020-PIE-PS-0039)

2. Extract of draft Minutes, Planning Committee, May 14, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 14 mai 2020

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
14 May 2020 / 14 mai 2020**

**and Council
et au Conseil
27 May 2020 / 27 mai 2020**

**Submitted on 26 March 2020
Soumis le 26 mars 2020**

**Submitted by
Soumis par:
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Acting Director / Directeur par intérim
Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
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Ward: KITCHISSIPPI (15)

File Number: ACS2020-PIE-PS-0039

SUBJECT: Zoning By-law Amendment – 341 and 343 Tweedsmuir Avenue

**OBJET: Modification au Règlement de zonage - 341 et 343, avenue
Tweedsmuir**

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 341 and 343 Tweedsmuir Avenue to permit the reduction of select zoning performance standards in order to convert an existing pair of three-unit dwelling into four-unit low-rise apartment dwellings, 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 May 27, 2020", 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 visant les 341 et 343, avenue Tweedsmuir, selon laquelle certaines normes de rendement de zonage seraient réduites afin de permettre la transformation de deux triplex en quatre immeubles résidentiels de faible hauteur et contenant quatre logements, comme l'expose en détail 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, 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 27 mai 2020 », 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

341 and 343 Tweedsmuir Avenue

Owner

J & M Investments Ontario Inc.

Applicant

Serene Shahzadeh (Novatech)

Architect

Miroca Design

Description of site and surroundings

The site is located along the east side of Tweedsmuir Ave, positioned near the centre of the block, between Scott Street and Richmond Road. Both properties are 331.8 square metres in size, each having 10.16 metres of frontage on Tweedsmuir Avenue. The sites each currently feature one three-unit dwelling. To the north of the site are single detached and duplex residential dwellings. To the east are mid-rise buildings, as well as the Farm Boy grocery store. To the South lies Richmond Road, a traditional main street which contains a variety of uses: restaurants, shops, gyms, and grocery stores. To the west exists low rise residential developments.

Summary of requested Zoning By-law amendment proposal

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

- reduced interior side yard setback from six metres to 1.5 metres beyond the first 21 metres from the front lot line,
- reduced lot area from 360 square metres to 331.8 square metres,

- reduced lot width from 12 metres to 10.16 metres.

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

Brief history of proposal

Committee of Adjustment applications for Consent (D08-01-17/B-00077 and D08-01-17/B-00078) and Minor Variance (D08-02-17/A-00081 and D08-02-17/A-00082) were granted in early 2018, which facilitated the construction of the pair of three-unit dwellings. The relief required included a reduction in lot width from 12 metres to 10.16 metres and a reduction in lot area from 360 square metres to 331.8 square metres for both properties.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Eight individuals expressed interest in the proposal as a result of the notification process, offered comments, and wished to be kept informed. Most of the comments expressed concerns towards the proposal, stating traffic and parking pressures as the main issues, as well as a distrust of developers when incrementally requesting multiple approvals and reliefs.

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

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.

Other applicable policies and guidelines

The property is located within the Richmond Road / Westboro Secondary Plan, however, is not included into any of the Planning Area Sectors identified under Schedule A.

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) of 2014 and 2020, 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 of 2014 and 2020 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 two existing three-unit dwellings to four-unit low-rise apartment dwellings, 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.

Richmond Road/Westboro Secondary Plan

The Richmond Road/Westboro Secondary Plan was adopted in 2009 to guide development of the area. While the site is included within the described boundary of the Plan, it is not included into any of the Planning Area Sectors identified under Schedule A. The site abuts properties to the east which are located within the McRae Avenue planning area sector and is in proximity to lands which are located within the Scott Street and Westboro Transitway Station planning area sector to the north, as well as the Westboro Village planning area sector to the south.

Part of the Plan's vision and objective is to preserve the scale and character of existing neighbourhoods and ensure compatibility of new development, while also encouraging infill and intensification.

Staff are satisfied that the proposal is consistent with the Secondary Plan. While located outside of the three planning area sectors mentioned above, the site's proximity to the Scott Street and Westboro Transitway area, the Westboro Village area and the McRae Avenue area, each area fostering mixed-use transit-oriented environments, further emphasizes the appropriateness of intensification at this location.

Zoning By-law 2008-250

The property is currently zoned R4G in Zoning By-law 2008-250. The R4G 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 applications for Minor Variance were approved in early 2018 in order to obtain relief to the lot width and lot area of both properties for the construction of the two, three-unit dwellings currently on the site. The relief consisted of a reduced lot width of 10.1 metres, whereas the By-law requires a minimum lot width of 12 metres, and a reduced lot area of 331.8 square metres, whereas the By-law requires a minimum lot area of 360 square metres.

The Owner now seeks to add a fourth unit, located entirely within the basement of both existing three-unit dwellings, thus converting the dwellings to apartment, low rise. Although the zone's performance standards for lot width and lot area are identical for both a three-unit dwelling and an apartment dwelling, low rise, relief is required in order to proceed with the conversion. The same relief requested at the Committee of Adjustment for lot area and lot width in the construction of the three-unit dwellings 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 six metres. The proposal will maintain the required 1.5 metre side yard requirement for the first 21 metres, but requests a reduction in side-yard setback from six metres to 1.5 metres beyond the first 21 metres.

The applicant's original submission also included relief to the amenity area requirements. Through the development review process and through discussions with the applicant, staff were successful in reducing the number of parking spaces from the originally proposed two spaces per dwelling, down to one space per dwelling. This has had a positive impact on the amount of amenity space being provided, and a relief is no longer required from this performance standard as the minimum 15 square metres of amenity area per dwelling unit required by the Zoning By-law is now achieved.

Generally, 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 buildings will not be expanded or modified as a result of this conversion, and that many of the performance standards for apartment dwellings, low rise are identical to those for three-unit dwellings, the proposed conversion is not expected to 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 per property on the immediate neighbourhood as it relates to intensification and increased density is nonexistent considering that the amenity space requirements are being met. Although one parking space is being provided for each of the dwellings, the Zoning By-law does not require any parking spaces for the first twelve units of an apartment dwelling, low rise.

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 provided the following comment: "The issue of after-the-fact conversions of triplexes to fourplexes remains unresolved. Recently, we've seen a thrust towards greater transparency in these conversations regarding triplexes adding additional units as developers have been up front with residents and with the Committee of Adjustment about their plans. Understanding Council's predisposition to approving these additional units, I have supported and asked Council to support applications when the developers have been transparent from the start. Unfortunately, I am not in a

position to support this application since the applicant has pursued an after-the-fact process, and I would ask Council to reject this application to send a clear message to the community that we expect greater transparency in these matters.”

LEGAL IMPLICATIONS

There are no legal impediments to adopting the recommendations in this report. In the event that the application is refused, reasons must be provided, and it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated 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

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:

- Thriving Communities
- Sustainable Infrastructure

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0012) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the file being put on hold by the applicant for a significant amount of time.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Site Plan

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 as well as with the policies contained in the Richmond Road / Westboro Secondary Plan. 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

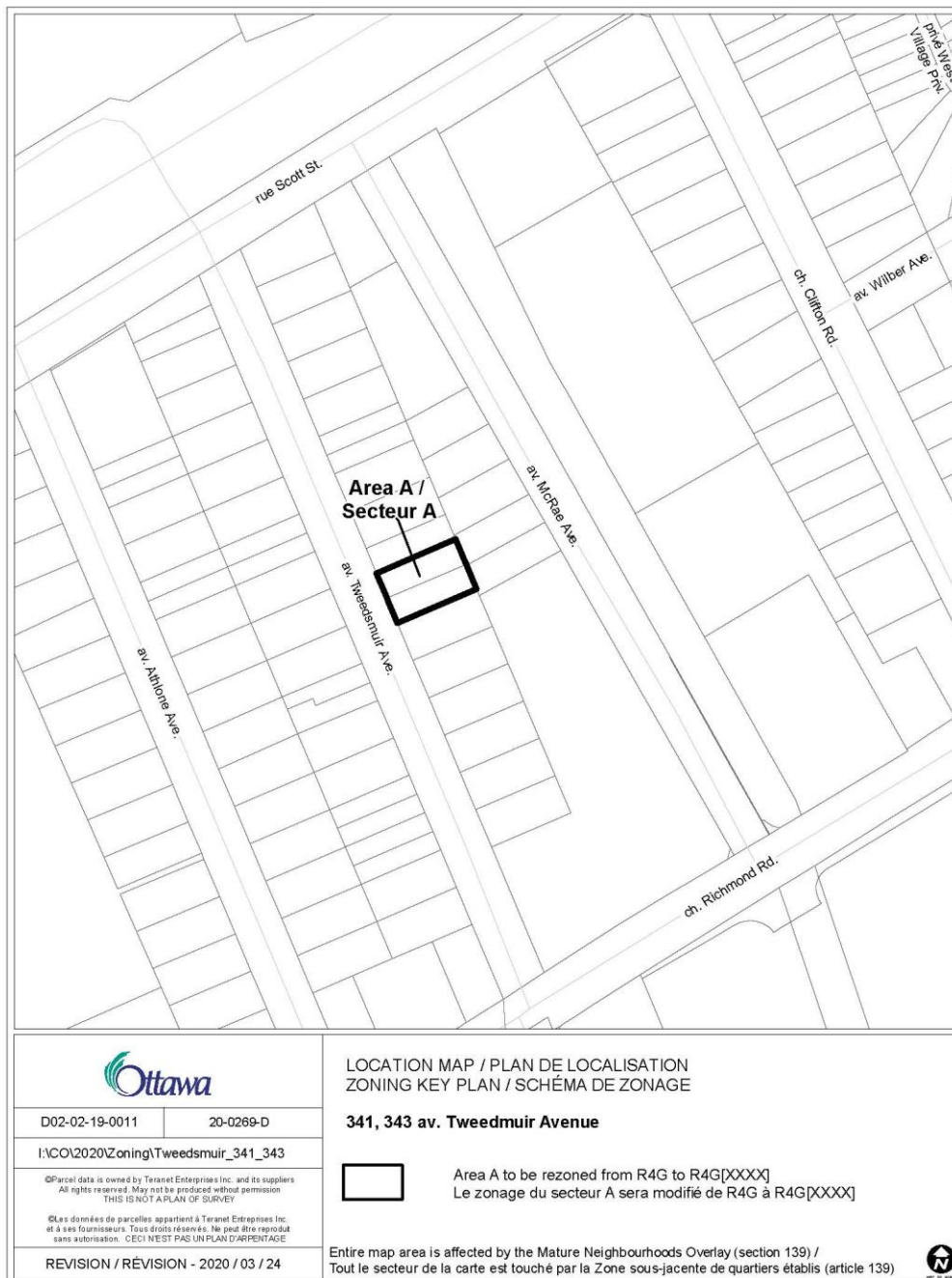
Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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](https://geoottawa.com)

The location map shows the location of the property on the East side of Tweedsmuir Avenue, mid-block between Scott Street and Richmond Road.

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 341 and 343 Tweedsmuir Avenue:

1. Area A shown on Document 1 to be rezoned from R4G to R4G[xxxx]
2. Add a new exception, R4G[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
 - a. In Column II, Applicable Zoning, add the text, “R4G[xxxx];
 - b. In Column V, Provisions, add the following text:
 - i. “minimum lot area for an apartment dwelling, low rise: 331.5 square metres”
 - ii. “minimum lot width for an apartment dwelling, low rise: 10.0 metres”
 - iii. “minimum interior side yard setback for an apartment dwelling, low-rise: 1.5 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.

Public Comments and Responses

1. It's good that buildings are not being demolished, seeing as more rentals and a mix of housing are needed.
2. The builder is clearly attempting to circumnavigate the approval process in that they willingly constructed two 4-unit buildings, knowing they would come in with requests for further relief at a later date. This is disingenuous and undermines the authority of the Planning Committee. The owner should have originally asked for a 4-unit building in their original proposal.

Staff response: 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.

3. The owners and property management company have failed to properly upkeep the grounds to date. They are not ready to accommodate more tenants.

Staff response: Despite the concerns expressed by residents, the Planning Act does not allow staff to make Planning recommendations based on these types of behaviors.

4. How can eight units function on only four parking spots?

Staff response: One parking space is being provided for each of the four unit dwellings, whereas the Zoning By-law does not require any parking spaces for buildings up to 12 units in this area.

5. The existing building's pathway leading to the entrances is already problematic and will get worse with added tenants. There are currently issues with snow removal on these walkways wherein the contractor pushes the snow against the neighbouring property's driveway. There should be a fence erected against the neighbouring property's driveway.

Staff response: As staff understands these issues, they will not be impacted by one additional unit per lot. These issues, including the desire for erecting a fence, has been shared with the applicant.

6. The Survey submitted with the application does not represent the present state of the features found on the site.

Staff response: The plan of survey was adequate for circulation.

7. Various challenges to the interpretation of the Zoning By-law definitions and performance standards, including definitions of wall height, parking lot, and interpretations of drive aisle provisions.

Staff response: Staff have reviewed these interpretations with the Bylaw writers and are confident that the proposal respects the provisions of the Zoning Bylaw.

8. The proposed amenity area is being consumed by large window wells.

Staff response: The plans have been revised and now include the window wells. The amenity area values no longer include the area consumed by window wells.

9. Some elements of the plans approved for the three-unit dwellings have not yet been implemented by the developer (i.e. bike racks, garbage enclosure, permeable pavers).

Staff response: In addition to this application for rezoning, staff are also reviewing a Site Plan Control application, which, if approved, will include various documents, including a Site Plan and a Landscape Plan. Details such as location of parking, garbage enclosures, bicycle parking, landscaping materials used and location of trees will be included on these documents in the City approval.

Furthermore, securities covering 100 per cent of the costs related to site works will be taken at the time of preparing the Letter of Undertaking and will only be released once staff is satisfied that all works have been completed as per the approved plans.

10. The Committee of Adjustment decision for the Minor Variances indicates that the proposed development will be restricted to three-unit dwellings. The City has not explained why the Planning Committee has the authority to remove a condition imposed by the Committee of Adjustment.

Staff response: The Planning Act that establishes the right to apply for a Zoning By-law Amendment. The Committee of Adjustment does not have the authority to suspend that right. If a Zoning By-law Amendment is approved that allows the same condition that was approved by the Committee, it follows that the applicants would no longer rely upon or require the previously authorized variances, and therefore any conditions imposed in connection with those variances would be null.

Document 4 – Proposed Site Plan

