

<p>5. Zoning By-law Amendment – 134 and 136 Willow Street</p> <p>Modification au Règlement de zonage – 134 et 136, rue Willow</p>

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 134 and 136 Willow Street to permit the reduction of select zoning performance standards in order to convert an existing pair of three-unit dwellings 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 n° 2008-250* visant les 134 et 136, rue Willow en vue d'abaisser certaines normes de rendement de zonage qui permettraient la conversion de deux triplex en immeubles résidentiels de faible hauteur comportant chacun quatre logements, comme l'indique le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated March 26, 2020 (ACS2020-PIE-PS-0028)

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-0028)

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:
Douglas James,
Acting Director / Directeur par intérim
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: SOMERSET (14)

File Number: ACS2020-PIE-PS-0028

SUBJECT: Zoning By-law Amendment – 134 and 136 Willow Street

OBJET: Modification au *Règlement de zonage* – 134 et 136, rue Willow

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 134 and 136 Willow Street to permit the reduction of select zoning performance standards in order to convert an**

existing pair of three-unit dwellings 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 n° 2008-250* visant les 134 et 136, rue Willow en vue d'abaisser certaines normes de rendement de zonage qui permettraient la conversion de deux triplex en immeubles résidentiels de faible hauteur comportant chacun quatre logements, comme l'indique le document 2.
2. QUE le Comité de l'urbanisme approuve 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 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

134 and 136 Willow Street

Owner

J & M Investments Ontario Inc.

Applicant

Novatech (Serene Shazadeh)

Architect

Miroca Design

Description of site and surroundings

The site is located along the south side of Willow Street, positioned near the centre of the block. Both properties are 289.2 metres squared in size, having 8.87 metres of frontage on Willow Street. The sites each currently feature one detached three-unit dwelling. Along the north of the site, a mix of residential uses including semi-detached and townhome dwellings exist. To the east, low-rise residential uses abut the property. Further east is Saint Anthony School. To the South lies mid-rise residential uses. Further south, an adult high-school, family reception centre, sports field, and the 417 Highway are present. To the west, Preston Street is designated as a Traditional Main Street and supports a variety of uses including retail, restaurant, office, and residential.

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:

- Minimum Lot Area from 360 square metres to 289 square metres
- Minimum Lot Width from 12 metres to 8.5 metres
- Minimum Interior Side Yard Setback from 1.5 metres to 1.2 metres
- Minimum Amenity Area from 15 square metres per unit to 11.4 square metres per unit, the total going from 60 square metres to 45.7 square 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 (D08-01-16/B-00150 and D08-01-16/B-00151) and Minor Variance (D08-02-16/A-00126 and D08-02-16/A-00127) were granted in early June 2016, which facilitated the construction of a pair of three-unit dwellings. The relief included a reduction in lot width from 12 metres to 8.87 metres and a reduction in lot area from 360 square metres to 289.2 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. Five 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 the improper landscaping of the property at the moment and incremental requests for multiple approvals and reliefs as the main issues.

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

Official Plan designation(s)

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 Preston-Champagne Secondary Plan, and is identified as a Residential, Low Profile land use under Schedule L.

The Residential Low-Profile policy under Section 6.4 of the Secondary Plan speaks to permitting predominately residential low profile uses within this area in order to preserve its residential character.

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.

Preston-Champagne Secondary Plan

The Secondary Plan provides a more detailed area-based policy direction for a number of land use areas within Preston-Champagne. The Secondary Plan strives to maintain the area as a diverse inner-city neighbourhood, containing a mix of residential, office, retail, and light industrial employment uses. Designated as Residential, Low-Profile under Schedule L, the Plan permits predominately residential low profile uses within this area in order to preserve its residential character.

Staff are satisfied that the proposal is consistent with the Official Plan and Secondary Plan. The proposed low-rise apartment dwellings are low-profile and will help preserve the residential character of the area.

Zoning By-law 2008-250

The property is currently zoned Residential Fourth Density, Subzone H (R4H) in Zoning By-law 2008-250. The R4H 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 2016 in order to obtain relief from the lot width and lot area requirements on both properties for the construction of the two, three-unit dwellings currently on the site. The relief consisted of a reduced lot width of 8.87 metres, whereas the By-law requires a minimum lot width of 12 metres, and a reduced lot area of 289.2 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 requests a reduction of side-yard setback to 1.2 metres on one side and 1.5 metres on the other side of each of the dwellings. 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 amenity area. The Zoning By-law requires 15 square metres of amenity area per unit, which equals a total of 60 square metres per apartment dwelling, low rise. Each dwelling is proposing to provide 45.7 square metres, which means that instead of providing 15 square metres of amenity space per unit,

11.4 square metres of amenity space would be provided per unit. Through the development review process, staff was successful in reducing the number of parking spaces located in the rear yard from two spaces per dwelling to one space per dwelling, thus increasing the amount of area dedicated to outdoor amenity space. There are also a number of parks located in proximity to the subject site, which will help in supplementing the amenity area provided at the rear of the property. The development also includes two bike parking spots per dwelling.

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 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 per property on the immediate neighbourhood as it relates to intensification and increased density is rather limited considering the slight amenity space relief being sought, as well as the alternative amenities available to the future tenants of the buildings. 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 McKenney provided the following comment:

“Overall, the addition of two more rental units in this area will contribute positively to the gradual intensification of this urban neighbourhood. It is vital that appropriate amenities and landscaping be provided to compensate for this increased density, especially considering the history of this site.

After these townhouses were initially constructed, the original landscape plan was not implemented properly. The two trees in the rear yard were never planted and the rear yard was completely paved in order to provide five to six parking spaces, instead of the permitted four. The proposed site plan features four new trees, as the original rear yard trees were never planted, and sod in the rear parking area. It is imperative that the new site plan is enforced as it provides significantly more green space and trees than are currently on the property.

I support the removal of two of the parking spaces on site to increase the outdoor amenity area in the rear yard. With increased landscaping and decreased parking, the two rear yard trees must be planted to adhere to the landscape plan and create a more pleasant experience for residents and neighbouring properties”

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

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.

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 Preston/Champagne 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, Program Manager, Tax Billing and Control, Finance Services department (Mail Code: 26-76) of 613-580-2424 x24025, 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.

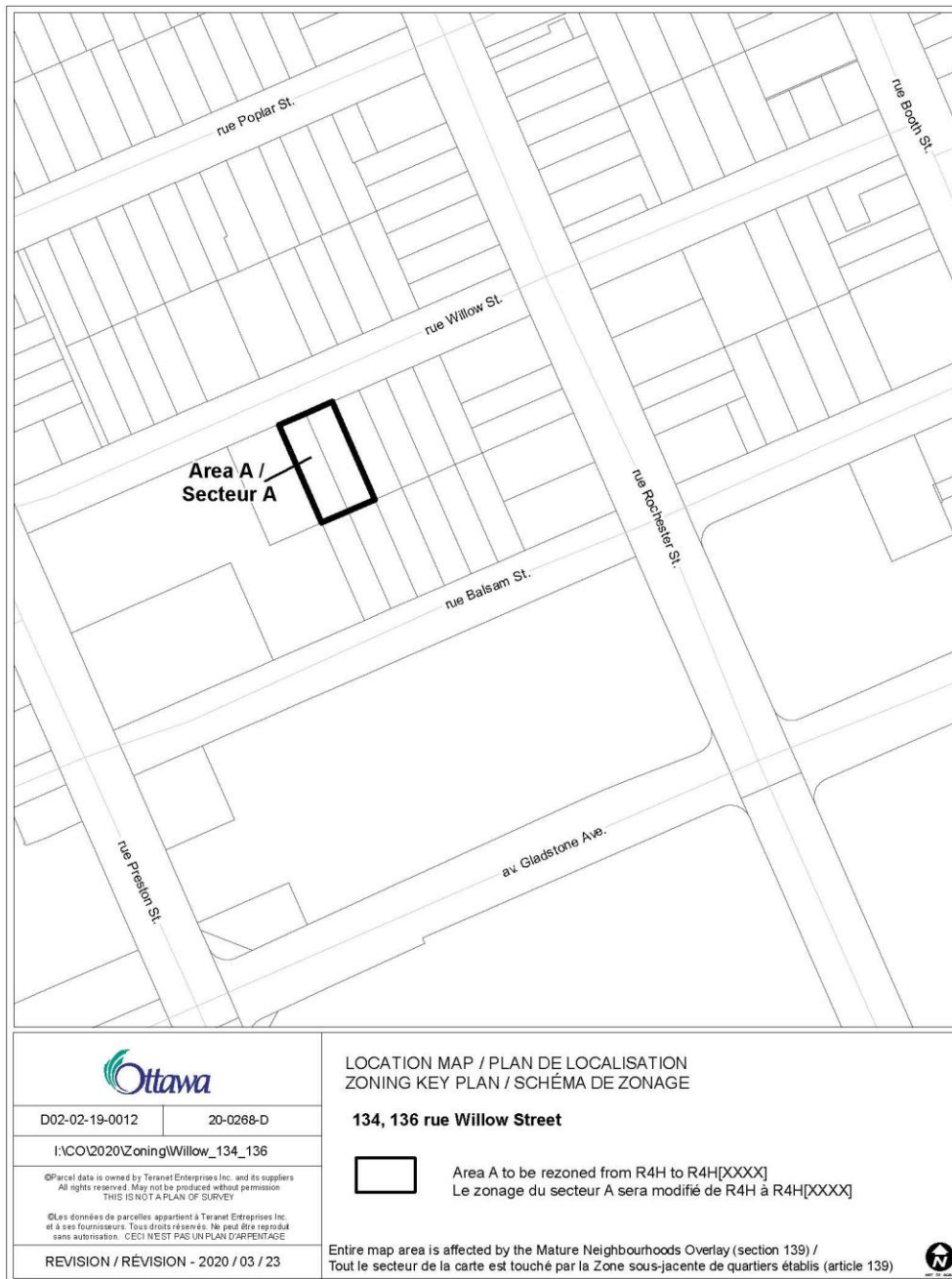
Legal Services, Innovative Client Services Department, to forward the implementing by-law to City Council.

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.ca)

A map showing the location of the subject properties at 134 and 136 Willow Street.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 134 and 136 Willow Street:

1. Area A shown on Document 1 to be rezoned from R4H to R4H[xxxx]
2. Add a new exception, R4H[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
 - a. In Column II, Applicable Zoning, add the text, “R4H[xxxx];
 - b. In Column V, Provisions, add the following text:
 - i. “minimum lot area for an apartment dwelling, low rise: 289 square metres”
 - ii. “minimum lot width for an apartment dwelling, low rise: 8.5 metres”
 - iii. “minimum interior side yard setback for an apartment dwelling, low rise: total interior side yard setback is 2.7 metres, with one minimum yard being no less than 1.2 metres wide”
 - iv. “minimum amenity space requirement for an apartment dwelling, low rise: 11.4 square metres per dwelling unit, located at grade, in the rear yard, be landscaped, consist of 80% soft landscaping and abut the rear lot line”

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.

Comment:

I am generally pleased with the development and am happy to see this level of intensification on my block

Comment:

This building was intended to become a 4-unit dwelling all along and this is a case of “let’s do it and ask for forgiveness later”. This signals a clear effort to circumvent municipal regulation intended to protect the public.

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 proposal is appropriate for its location and the neighbourhood.

Comment:

I am disappointed with the execution of the original site plan and ask that the rezoning be contingent on the revised site plan being enforced. The original plan had sod in the front and back yard, but the front and side yards actually saw the installation of an artificial lawn. Furthermore, the back yard was asphalted from lot line to lot line, allowing 6 cars to be parked in the back. The two trees featured on the plans were never planted.

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, landscaping materials used and location of trees will be included on these documents in the City approval.

Furthermore, securities covering 100% 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.

Document 4 – Site Plan

