

10. Zoning By-law Amendment – 24, 26, 28 and 30 Pretoria Avenue
Modification du Règlement de zonage – 24, 26, 28 et 30, avenue Pretoria

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 24, 26, 28 and 30 Pretoria Avenue to permit a six-storey apartment dwelling, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve la modification du *Règlement de zonage* (n° 2008-250) proposée pour les 24, 26, 28 et 30, avenue Pretoria, afin de permettre la construction à ces adresses d'un immeuble d'appartements de six étages, comme l'indique le document 2.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 15, 2020 (ACS2020-PIE-PS-0061)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 15 juin 2020 (ACS2020-PIE-PS-0061)
2. Extract of draft Minutes, Planning Committee, June 25, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 25 juin 2020

Report to
Rapport au:

Planning Committee
Comité de l'urbanisme
25 June 2020 / 25 juin 2020

and Council
et au Conseil
15 July 2020 / 15 juin 2020

Submitted on 11 June 2020
Soumis le 11 juin 2020

Submitted by
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Ward: CAPITAL (17) / CAPITALE (17)

File Number: ACS2020-PIE-PS-0061

SUBJECT: Zoning By-law Amendment – 24, 26, 28 and 30 Pretoria Avenue

OBJET: Modification du *Règlement de zonage* – 24, 26, 28 et 30, avenue
Pretoria

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to

Zoning By-law 2008-250 for 24, 26, 28 and 30 Pretoria Avenue to permit a six-storey 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 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 July 15, 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 la modification du *Règlement de zonage* (n° 2008-250) proposée pour les 24, 26, 28 et 30, avenue Pretoria, afin de permettre la construction à ces adresses d'un immeuble d'appartements de six étages, 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 15 juillet 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

24, 26, 28 and 30 Pretoria Avenue

Owner

JB Holdings

Applicant

Robert Verch, RLA Architecture

Architect

Robert Verch, RLA Architecture

Description of site and surroundings

The property is situated in the Glebe neighbourhood, on Pretoria Avenue, between Metcalfe Street and Queen Elizabeth Driveway. The site is currently occupied by three residential buildings: a two-storey semi-detached at 24 and 26 Pretoria Avenue, a two-and-a-half-storey single-detached home with a large tree on the front lawn at 28 Pretoria Avenue and a two-and-a-half-storey building at 30 Pretoria Avenue.

North of the site, across Pretoria Avenue, is the blank rear wall of a grocery store. To the east, is a one-storey, two-unit commercial building. To the west, is a two-storey residential building. To the south of the site is a block of two-storey detached and semi-detached homes that front onto Strathcona Avenue. The surrounding area is primarily low- and mid-rise residential area that features many amenities.

Summary of requested Zoning By-law amendment proposal

The proposal seeks to facilitate the construction of a six-storey mid-rise apartment dwelling, with 48 dwelling units, 11 underground vehicular parking spaces and 54 bicycle parking spaces. A Zoning By-law amendment is required in order to permit the following:

- Permit a new use: Apartment Dwelling, Mid Rise
- Maximum building height: 18 metres
- Minimum front yard setback: three metres
- Minimum rear yard setback: 3.7 metres for any part of the building 1.8 metres in height above grade or less, 7.5 metres for any part of the building above 1.8 metres in height above grade. (There is an exposed foundation wall of the

parking level which is 1.8 metres high above the finished grade. The main massing of the building is setback 7.5 metres)

- Minimum interior side yard: 1.5 metres from the east property line and 2.5 metres from the west property line.
- Minimum number of vehicular parking spaces: 0 spaces for the first 12 units and 0.19 spaces per unit in excess of 12, for a total of 11 spaces where 16 are currently required.

Staff are currently reviewing a Site Plan Control application for the proposal.

Brief history of proposal

Research was undertaken into the origins of the R5C[87] H18 zoning on the eastern portion of the property. Under the former City of Ottawa Zoning By-law, Zoning By-law 1998, the properties within the block abutting the south side of Pretoria Avenue, from O'Connor Street to the Queen Elizabeth Driveway, were all zoned R5C (with 24 and 26 Pretoria Avenue benefiting from Exception 87). Under the Zoning By-law 1998, R5 zones were reserved for residential uses ranging from single detached dwellings up to low-rise apartment dwellings of 13.5-metre maximum heights. Exception 87 in the Zoning By-law 1998 only referred to dwelling units, rooming houses and other residential performance standards.

To the best of staff's knowledge, it seems as though a consolidation error occurred when the 2008-250 Zoning By-law was adopted. Most of the lands abutting the south side of Pretoria Avenue were rezoned to an R4 variant, however the lands at 24 and 26 Pretoria Avenue were not. Exception 87 also remained on those lands and the wording was changed as it was associated with a property at 450 Bank Street.

Despite this history, the fact remains that the properties at 24 and 26 Pretoria Avenue legally benefit from an R5 zoning, Nevertheless, the justification in support of the current request for rezoning was not based on the history of the existing R5 zoning, but rather on the proposed building's compatibility and respect of the existing neighbourhood's context.

DISCUSSION

Public consultation

A public consultation was held on November 7, 2019 at the Glebe Community Centre.

28 people were in attendance. One comment sheet was filled out. Issues related to traffic, parking, density, height and compatibility were discussed.

A second public consultation was held on May 21, 2020 virtually through Zoom web conferencing. Approximately 40 people were in attendance. Issues related to traffic, parking, density, height and compatibility were discussed.

Staff received written comments and/or requests to be kept informed from 92 individuals. While most comments were not supportive of the proposal, a handful were.

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

Official Plan designation

According to schedule B of the Official Plan, the property is designated General Urban Area, which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances. A broad scale of uses is found within this designation, from ground-oriented single-purpose buildings to mid-rise buildings with a mix of uses.

Heritage

The properties at 24 and 26 Pretoria Avenue are currently on the City's Heritage Register. They were added in June 2019 for having Cultural Heritage Value or interest. Being on the register means that the owner needs to provide the City with 60 days notice of their intention to demolish the building. During the 60 days staff will determine if the building warrants designation under Part IV of the *Ontario Heritage Act*. If it does not, the 60 days will be allowed to expire. Building/ demolition permits can not be issued until the 60 days has lapsed.

The applicant is aware of the 60-day notice process and Heritage staff have provided the details for what is required. Heritage staff anticipate that the submission is forthcoming.

Urban Design Review Panel

The property was not subject to the Urban Design Review Panel (UDRP) process.

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 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 relief from some of the zone's performance standards in order to facilitate the construction of a new six-storey apartment dwelling, which are quite common across the General Urban designation. While building heights are predominantly low-rise within the designation, changes in building height are to be evaluated based upon compatibility with the existing context and the planned function of the area.

The Official Plan states that introducing new development and higher densities into existing areas that have developed over a long period of time requires a sensitive approach and a respect for a community's established characteristics. In general terms, compatible development means development that, although is not necessarily the same as, or similar to existing buildings in the vicinity, can enhance an established community through good design and innovation and coexist with existing development without causing undue adverse impact on surrounding properties.

In reviewing the development application of this site, which is located along the edge of the neighbourhood, facing a blank wall that is the back of house of a large commercial site across the street, staff were able to work with the applicant and look for ways to find compatibility with the neighbouring residential four-storey context. Throughout the development review process the proposal was positively altered in order to better

achieve compatibility. These changes include providing a four-storey expression on the street-facing elevation to better support the emerging four-storey context it intends to be compatible with, employing a red brick material on the street façade in an attempt to relate to the residential context, as well as using metal panel and grey stone on the eastern portion of the street façade in order to relate to the adjacent local commercial context. Furthermore, the use of different materials is successful in breaking up the horizontal mass of the building in order to better replicate the rhythm along the street. A play in volumes and a stepback beyond the fifth floor also help in breaking up the massing in order to be more sensitive to both front and rear contexts. In order to further reduce impacts due to privacy at the rear of the property, the rear balconies were inset into the building and no longer project beyond the rear yard setback limit.

The Official Plan supports intensification throughout the urban area where there are opportunities to accommodate more housing and increase transit use and where this can be done while still achieving compatibility and respect of the existing context. Considering the above-noted design elements and considering that the site represents an edge condition and can therefore be characterized by transitions between land uses and densities, staff are of the opinion that the proposal is in line with Official Plan Policies.

Zoning Bylaw 2008-250

The property is currently zoned both Residential Fifth Density, Subzone C, Exception 87, Maximum Height 18 metres (R5C[87] H18) and Residential Fourth Density, Subzone S (R4S) in Zoning By-law 2008-250.

The R5C zone permits heights and densities up to mid- and high-rise apartment dwellings, however, in this variant, up to a maximum of 18 metres. As described earlier in this report, the R5 zoning appears to be the result of a consolidation error at the time of adoption of the current Zoning By-law in 2008.

Given the above-noted error, as well as the nature of the remainder of the neighbourhood, it is proposed to rezone the entire development site to R4S with site-specific exceptions. The R4S zone permits a wide mix of residential buildings, from single detached dwellings to 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.

The two major components of the zoning relief are the addition of a new use to the R4 zone, apartment dwelling mid-rise, as well as an increase in height to 18 metres, which

is already permitted on the eastern half of the property, but is limited to 14.5 metres under the R4S zone.

Side yard setback requirements are established in the details of zoning and reflect the R4S zone's requirement on the east side at 1.5 metres and exceed the zone's requirement on the west side at 2.5 metres in order to respond to concerns raised by the community. The front yard setback requirement is also included at 3 metres, which reflects the R4S requirement for low rise apartment dwellings.

While most of the building is set back 7.5 metres from the rear property line, consistent with the R4 zone, a portion of the parking garage foundation projects above the ground. As per by-law definitions, this portion of the protruding parking garage is where the rear yard setback is measured from. For this reason, relief is being sought for the rear yard setback at 3.7 metres from the rear property line. It is important to note that only 0.9 metres of the parking level foundation will be exposed above the finished grade but is at an elevation of 1.8 metres above the property's average grade (see Document 5). An outdoor terrace is located on top of the foundation. In order to ensure that only the parking garage foundation can be located at 3.7 metres from the rear property line, language will be included in the zoning details establishing that any portion of the building taller than 3.7 metres must be setback at least 7.5 metres from the rear property line.

Zoning relief is also being requested for the number of parking spaces being provided. The Zoning By-law does not require any parking spaces be provided for the first 12 units of an apartment dwelling and requires 0.5 space per unit beyond the initial twelve units. The Zoning By-law also states that the parking rate can be reduced by 10 per cent if all parking is being provided underground on the same lot. For a 48-unit building, as is being proposed, the by-law would require a total of 16 parking spaces to be provided. With 11 parking spaces being proposed in the parking garage, four of which to be reserved for visitors as per Zoning By-law requirements, seven spaces are proposed to be provided for residents of the building. This reduction in parking is in line with City intensification policies within the urban core without introducing high volumes of additional vehicles to the existing road network. Furthermore, the site is located in close proximity to the downtown employment core and local transit, within walking distance of many community amenities and resources, and is located within 750 metres of twelve Vrtucar pickup locations. In response to staff comments, the applicant has also increased the number of bicycle parking spaces up to 54 spaces, whereas the Zoning By-law only requires 24.

Considering the above, as well as the design elements incorporated into the proposal in an attempt to provide compatibility with the neighbouring residential R4 context, staff are of the opinion that the proposed Zoning By-law amendment is appropriate for this site.

Tree Retention

One of the main points of concern expressed by the community was towards the loss of trees, both at the front and the rear of the property. The original proposal included an underground parking garage which spanned the entire property and, as a result, lead to the loss of many trees along the rear property line. Revisions to the proposal reduced the expanse of the parking area in order to preserve the line of trees along the rear property line, therefore reducing the impacts from massing and privacy concerns.

The existing mature silver maple tree at the front of the property was originally proposed to be removed. Through extensive discussion with City forestry staff, the applicant has agreed to make the necessary changes to the proposal in order to make the retention of this important tree a possibility. These changes include moving the basement level three metres away from the front property line, changing the front entry location to the east further away from the tree, moving the municipal services away from the tree, and doing all shoring at the building face in order to have the greatest distance possible from the tree. Furthermore, the portion of the sidewalk nearest the tree will remain untouched and an existing asphalt driveway will be removed and replaced with soft landscaping. Care will be required when removing the asphalt and other hard surfaces.

Supplemental trees are also being added at the front and rear of the property in order to enhance the building's presence on the street and to further mitigate privacy concerns at the rear.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Menard is aware of the application related to this report.

LEGAL IMPLICATIONS

Should the recommendations be adopted, and the resulting zoning by-law be appealed to the Local Planning Appeal Tribunal, it is estimated that a three day hearing would

result. It is expected that the hearing can be conducted within staff resources. Should the applications be refused, reasons must be provided. In the event of an appeal of the refusal, it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations of 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 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

Through the development review process and negotiations with the applicant, staff were successful in encouraging changes to the proposal which permitted the preservation of trees along the property lines, notably a mature silver maple along the front property line and a series of trees along the rear property line.

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: D02-02-19-0083) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications due to the complexities of issues related to the proposal's compatibility.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Proposed Site Plan

Document 5 West Elevation

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 intensification and compatibility in the General Urban Area. The proposed zoning amendment is appropriate for the site and maintains policy objectives. 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 & Control, Finance Services department (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.

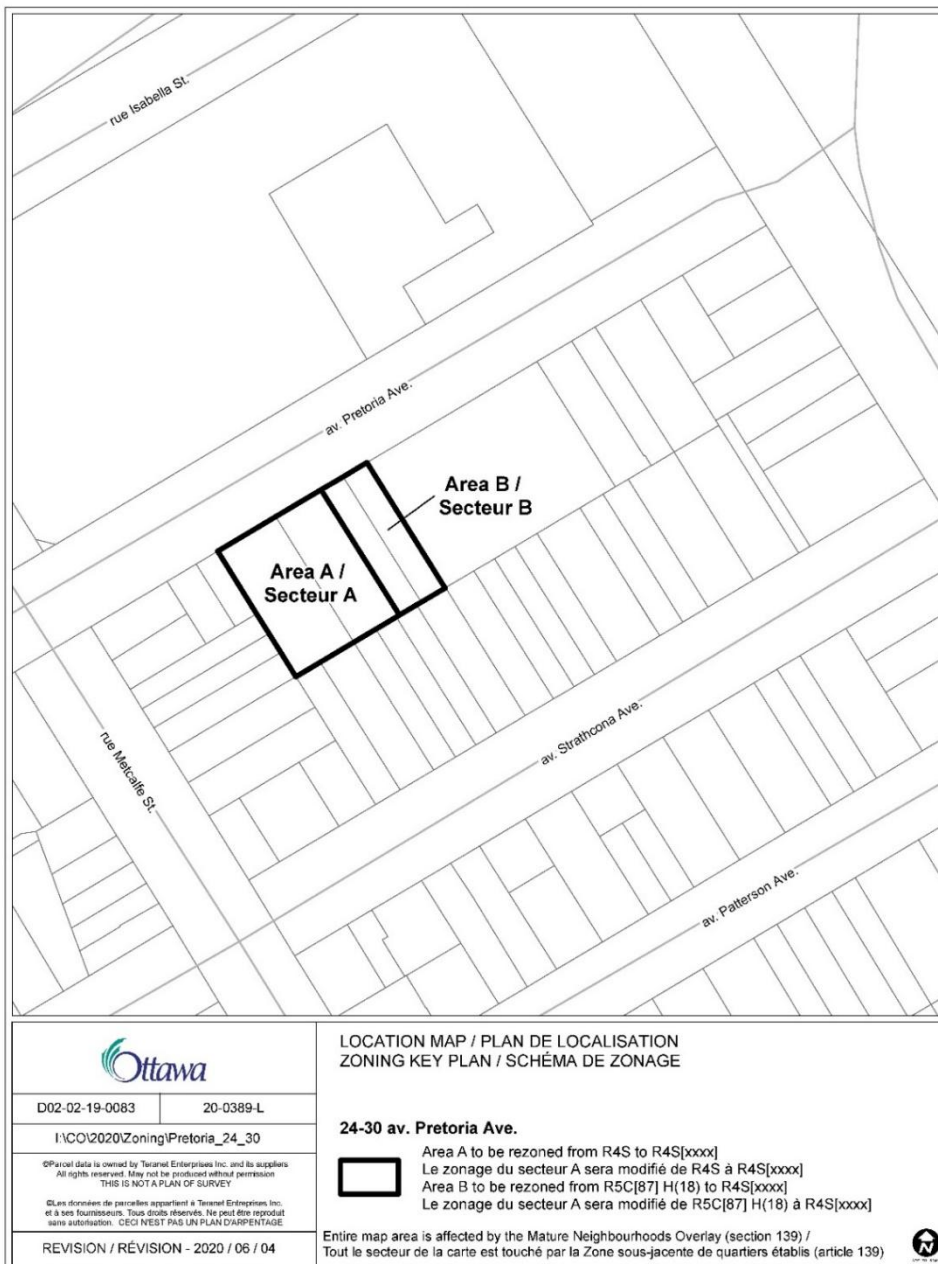
Legal Services, Innovative Client Services Department, to forward the implementing by law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.

A location map showing the lands affected by the requested rezoning, located on the south side of Pretoria Avenue, between Metcalfe Street and Queen Elizabeth Driveway.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 24, 26, 28 and 30 Pretoria Avenue:

1. Area A shown on Document 1 to be rezoned from R4S and R5C[87] H(18) 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 III, Additional Land Uses Permitted, add the text “Apartment Dwelling, Mid Rise”;
 - c. In Column V, Provisions, add the following text:
 - i. “maximum building height for Apartment Dwelling, Mid Rise: 18 metres, six storeys”
 - ii. “minimum front yard setback for Apartment Dwelling, Mid Rise: 3 metres”
 - iii. “minimum interior side yard setback for Apartment Dwelling, Mid Rise: 1.5 metres from the east property line, 2.5 metres from the west property line”
 - iv. “minimum rear yard setback for Apartment Dwelling, Mid Rise: 3.7 metres for any part of the building 1.8 metres in height above grade or less, 7.5 metres for any part of the building above 1.8 metres in height above grade.”
 - v. “minimum number of motor vehicle parking spaces for Apartment Dwelling, Mid Rise: 0 spaces for the first 12 units and 0.19 spaces per unit in excess of 12.”

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. Two public meetings were also held in the community:

- November 7, 2019 – Glebe Community Centre
- May 21, 2020 – Zoom Meeting

Staff received written comments and/or requests to be kept informed from 92 individuals. While most comments were not supportive of the proposal, a handful were.

Public Comments and Responses

Comment 1: Concerns with the height of the proposed building being too dramatic and different from the remainder of the neighbourhood's profile, dwarfing the homes surrounding it. The proposed development does not fit into the character or heritage of its surrounding context. There is fear that this development will either set precedent for future development of similar design in the neighbourhood or this particular developer will change the proposed design, not implementing the one being proposed.

Response 1: Many design elements were incorporated into the proposal in subsequent revisions which seek to make the building be a better fit in the neighbourhood. These changes include materiality, stepbacks, as well as a four-storey expression of the building. Staff review each application on its own merits, not based on precedent. Staff have worded the details of zoning in a way which ensures that the proposed design does not change without the need for further zoning amendments.

Comment 2: Concerns with traffic congestion being intensified/over-burdened on the roads while street parking is "stressed" even more. These factors would impact public transit demands, access for emergency vehicles, and overall safety within the neighbourhood.

Response 2: The Transportation Impact Assessment (TIA) screening did not trigger the need for a TIA report. A parking study undertaken by the applicant revealed over 200 legal parking spaces available within a five-minute walk (400 metres) of the subject site, including approximately 150 spaces within a residential parking permit zone. It also

indicated that occupancy rates ranged from 45 per cent to 68 per cent depending on the area.

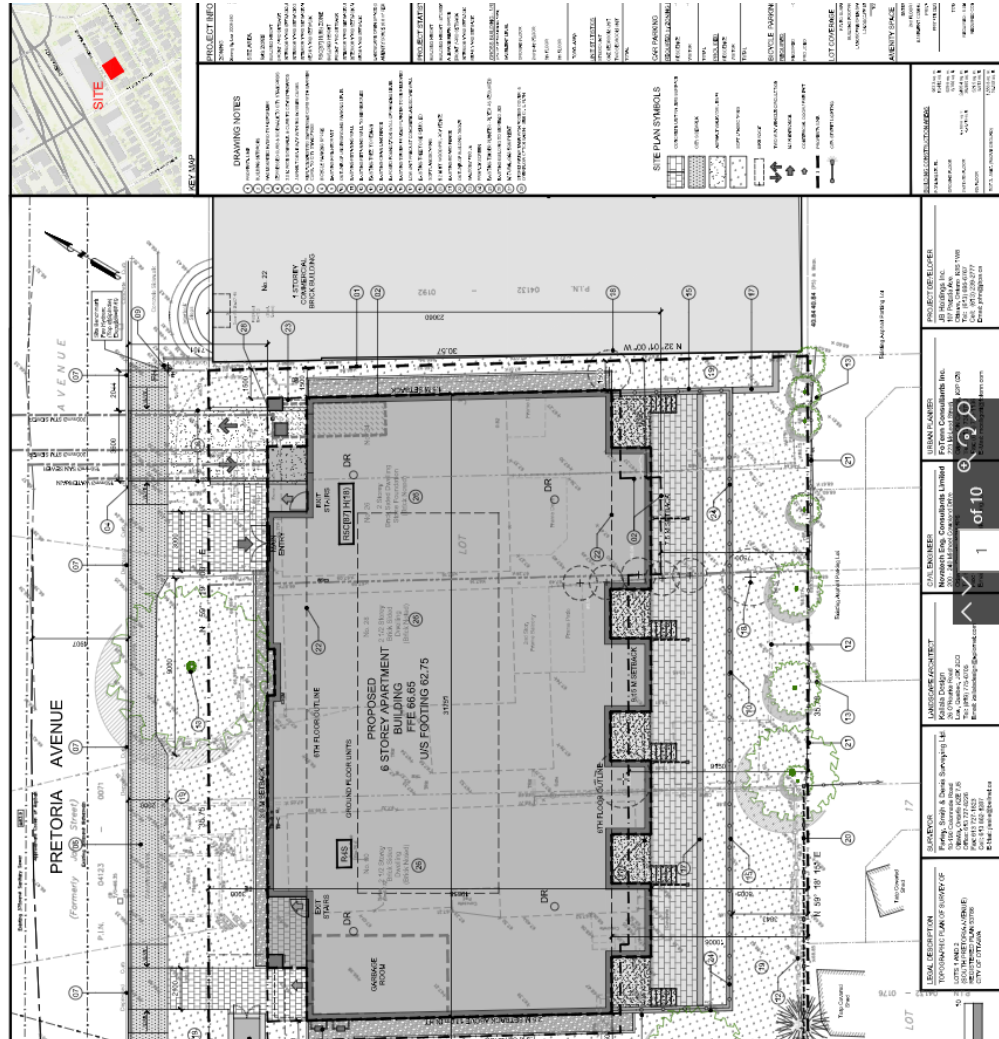
Comment 3: Concerns with unnecessary loss of trees along the perimeter of the lot.

Response 3: Major efforts were made in order to preserve trees on the property. The underground parking garage's footprint was reduced in order to preserve trees along the rear property line, and changes to the proposal were introduced in order to preserve the mature silver maple at the front of the property.

Comment 4: Concerns with noise generation and loss of privacy.

Response 4: A stationary noise generation is not expected to become an issue for surrounding properties. Project re-designs have resulted in minimal loss of trees along the rear property line, and therefore mitigated privacy issues. Additionally, balconies were inset into the building, rather than projecting beyond the rear yard setback.

Document 4 – Proposed Site Plan



Document 5 – West Elevation

