

5. **Zoning By-Law Amendment – 574, 576 Byron Avenue and 411, 415, 419, 423, 425, 427 Ravenhill Avenue**
- Modification au Règlement de zonage – 574 et 576, avenue Byron et 411, 415, 419, 423, 425 et 427, avenue Ravenhill**

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 574, 576 Byron Avenue and 411, 415, 419, 423, 425, 427 Ravenhill Avenue to permit a four-unit low-rise apartment dwelling use within triplex buildings that exist as of the day this by-law is passed, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant les 574 et 576, avenue Byron et les 411, 415, 419, 423, 425 et 427, avenue Ravenhill, afin de permettre une utilisation d'immeuble résidentiel de faible hauteur et contenant quatre logements dans des triplex qui existent le jour de l'entrée en vigueur dudit règlement, comme l'expose en détail le document 2.

Documentation/Documentation

1. Acting Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated January 28, 2021 (ACS2021-PIE-PS-0005)

 Rapport du Directeur par intérim, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 28 janvier 2021 (ACS2021-PIE-PS-0005)
2. Extract of draft Minutes, Planning Committee, February 11, 2021

 Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 11 février 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
11 February 2021 / 11 février 2021**

**and Council
et au Conseil
24 February 2021 / 24 février 2021**

**Submitted on 28 January 2021
Soumis le 28 janvier 2021**

**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**

**Contact Person
Personne ressource:
Seana Turkington, Planner I / Urbaniste I, Development Review Central / Examen
des demandes d'aménagement centrale
613-580-2424, 27790, seana.turkington@ottawa.ca**

Ward: KITCHISSIPPI (15)

File Number: ACS2021-PIE-PS-0005

**SUBJECT: Zoning By-law Amendment – 574, 576 Byron Avenue and 411, 415,
419, 423, 425, 427 Ravenhill Avenue**

**OBJET: Modification au Règlement de zonage – 574 et 576, avenue Byron et
411, 415, 419, 423, 425 et 427, avenue Ravenhill**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 574, 576 Byron Avenue and 411, 415, 419, 423,**

425, 427 Ravenhill Avenue to permit a four-unit low-rise apartment dwelling use within triplex buildings that exist as of the day this by-law is passed, 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 February 24, 2021, 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 574 et 576, avenue Byron et les 411, 415, 419, 423, 425 et 427, avenue Ravenhill, afin de permettre une utilisation d'immeuble résidentiel de faible hauteur et contenant quatre logements dans des triplex qui existent le jour de l'entrée en vigueur dudit règlement, 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 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 24 février 2021, 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.

EXECUTIVE SUMMARY

Staff Recommendation

This report recommends that Council approve an amendment to the Zoning By-law 2008-250, to permit a four-unit apartment dwelling use within existing triplexes on the properties municipally known as 574, 576 Byron Avenue and 411, 415, 419, 423, 425,

427 Ravenhill Avenue, as shown in Document 1 – Location Map and Zoning Key Plan.

Applicable Policy

The proposed development is consistent with the Official Plan and the proposed Westboro Interim Control By-law Study. It is proposed to permit eight properties to be rezoned from R3R (Residential Third Density, Subzone R) to R4-UC [xxxx] (Residential Fourth Density, Subzone UC, Exception xxxx) in order to add a fourth unit to existing triplexes. No performance standard changes are proposed.

The subject area is designated General Urban Area in Schedule B of the Official Plan and the proposal to allow for low-rise apartment buildings on the subject site is supported by Section 3.6.1 of the Official Plan. The proposed R4-UC zone on the subject site is consistent with the associated Westboro Interim Control By-law (ICB) Study. Through the Westboro ICB Study, the majority of the block bound by Golden/Byron/Ravenhill/Roosevelt is recommended to be re-zoned R4-UC. The site-specific exception proposed through this rezoning report permits a fourth unit within the existing triplex's located on the subject sites.

Public Consultation/Input

As part the public consultation for the proposal, a community information session was held in November 2018 and approximately 125 individuals commented on the application. Additional details and a summary of comments received from members of the public, as well as staff's responses can be found in Document 3 – Consultation Details.

RÉSUMÉ

Recommandation du personnel

Le présent rapport recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250, afin de permettre une utilisation d'immeuble résidentiel contenant quatre logements dans les triplex actuellement situés aux 574 et 576, avenue Byron et aux 411, 415, 419, 423, 425 et 427, avenue Ravenhill, comme l'illustre le document 1 – Carte de localisation et schéma de zonage.

Politique applicable

L'aménagement proposé est conforme aux dispositions du Plan officiel et à l'étude sur le règlement de restriction provisoire s'appliquant au quartier Westboro. Il est proposé

d'autoriser la modification de zonage de huit propriétés, qui passerait de R3R (Zone résidentielle de densité 3, sous-zone R) à R4-UC [xxxx] (Zone résidentielle de densité 4, sous-zone UC, exception xxxx), afin de permettre l'ajout d'un quatrième logement aux triplex existants. Aucune modification n'est proposée aux normes de rendement.

Le secteur est désigné Secteur urbain général à l'annexe B du Plan officiel. La proposition consistant à permettre des immeubles résidentiels de faible hauteur sur l'emplacement visé est conforme à la section 3.6.1 du Plan officiel. La désignation de zonage R4-UC proposée pour cet emplacement est conforme à l'étude connexe sur le règlement de restriction provisoire s'appliquant au quartier Westboro. Par suite de cette étude, il a été recommandé d'attribuer à la plus grande partie de l'îlot délimité par les avenues Golden, Byron, Ravenhill et Roosevelt un zonage R4-UC. L'exception propre à l'emplacement proposée par le biais du présent rapport de modification de zonage permet la présence d'un quatrième logement dans les triplex occupant actuellement l'emplacement visé.

Consultation publique et commentaires

Dans le cadre du processus de consultation publique mené pour cette proposition, une séance d'information communautaire a été organisée en novembre 2018 et environ 125 personnes ont fait part de leurs commentaires sur cette demande. On peut retrouver dans le document 3 (Renseignements sur la consultation) des détails complémentaires ainsi qu'un résumé des commentaires reçus des membres du public et les réponses fournies par le personnel.

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

574, 576 Byron Avenue and 411, 415, 419, 423, 425, and 427 Ravenhill Avenue

Owner

Falsetto Homes Inc., Caruso Investments Inc., Antilla Homes Corp., and JLG Development Inc.

Applicant

Novatech Engineers, Planners & Landscape Architects (Murray Chown)

Description of site and surroundings

The subject site consists of eight properties located in the Westboro neighbourhood located on the block bound by Byron Avenue to the north, Roosevelt Avenue to the east, Ravenhill Avenue to the south, and Golden Ave to the west. All the properties subject to this rezoning are occupied by existing triplex dwellings.

To the north of Byron Avenue is the Westboro Station development, which includes two nine-storey mixed-use buildings and one ten-storey mixed-use building. The Dominion Transit Station is also located approximately 500 metres north of the subject site. To the east and south of the subject site there is a mix of low-rise residential uses with a few site-specific institutional uses as well as parks and open space. To the west, the subject site abuts low-rise residential dwellings and the Highland Park Lawn Bowling Club. Further west is Golden Avenue.

Summary of requested Zoning By-law amendment proposal

The property is currently zoned R3R (Residential Third Density, Subzone R). Planning staff recommend Council rezone eight properties, municipally known as 574, 576 Byron Avenue and 411, 415, 419, 423, 425, 427 Ravenhill Avenue to R4-UC [xxxx] (Residential Fourth Density, Subzone UC, Exception xxxx). The associated exception will limit the existing triplexes located onsite to the addition of one supplementary dwelling unit, subject to the performance standards that exist for the current triplexes as of the date of approval.

Brief history of proposal

On April 27, 2018, Novatech submitted a Zoning By-law Amendment (File No. D02-02-18-0044) to rezone eleven properties located in Westboro. The following properties were subject to this application: 566, 570, 574, 576 Byron Avenue; 436, 440 Roosevelt Avenue; and 411, 415, 419, 423, 425 Ravenhill Avenue. On September 14, 2018, the property 425 Ravenhill Avenue was formally severed into two properties, now known as 425 and 427 Ravenhill Avenue. On October 9, 2018 Novatech also added the property located at 431 Ravenhill Avenue to the application and a re-circulation took place. Therefore, a total of thirteen properties were included to be rezoned.

This application sought to re-zone the properties from R3R (Residential Third Density, Subzone R) to R4G (Residential Fourth Density, Subzone G) with site-specific exceptions to capture existing developments on site with the greatest non-compliance. At the time of application, the rezoning sought to permit a low-rise apartment dwelling with up to four dwelling units, and reduced lot width, area, setbacks, and amenity space requirements.

At the time of application submission, there was no substantial policy direction supporting the proposal. Planning Services was not satisfied with the Planning Rationale for the rezoning and not supportive of the initial proposal brought forward by the applicant. The application did not provide sufficient evidence that the subject site was distinct from the surrounding neighbourhood in a way that would support the proposed amendments, without further study of the broader context of the area. Due to lack of staff support, the application was put on hold.

On October 10, 2018, Council passed a motion moved by Councillor Leiper to implement an Interim Control By-law (ICB) 2018-362 to apply to the residential R3R Zone of Westboro within an area defined by Golden Avenue to the west, Byron Avenue to the north, Tweedsmuir to the east and Dovercourt Avenue to the south. The Interim Control By-law set out the following prohibitions: no three-unit dwellings may be approved in the specified area; and be it further resolved that no building permits for three-unit dwellings may be issued in the specified area.

Following passage of ICB 2018-362, Planning Services undertook the Westboro Interim Control By-law Study to review the issues associated with infill and intensification within the Westboro neighbourhood. The goal of this study was to assess the appropriateness of such developments within the existing neighbourhood context. The recommendations associated with this Westboro Interim Control By-law (ICB) Study are being brought forward as a City-initiated Zoning By-law Amendment to Planning Committee and Council at the same date as this site-specific rezoning report. The Westboro ICB Study serves to evaluate the broader area in which the lands subject to this rezoning application are located.

This Westboro ICB study also includes a recommendation to rezone five of the thirteen properties originally subject to this rezoning application. These five properties are occupied by three two-storey detached dwellings (570 Byron Avenue, 440 Roosevelt, 431 Ravenhill Avenue), two semi-detached dwellings (436 Roosevelt Avenue) and one medical facility (566 Byron Avenue). Through the Westboro ICB Study, these properties are recommended to be rezoned from R3R (Residential Third Density, Subzone R) to

R4-UC (Residential Fourth Density, Subzone UC). As such, these five properties are not listed in the recommendations of this report to be rezoned.

This rezoning report addresses the remaining eight of the original thirteen properties subject to the rezoning application. The eight properties that are being addressed in this report are all currently occupied by existing triplexes and are located at: 574, 576 Byron Avenue and 411, 415, 419, 423, 425, and 427 Ravenhill Avenue. This report proposes to rezone these lands to be consistent with the direction of the Westboro ICB Study, such that the lands will be rezoned to R4-UC; however, it also recommends that a site-specific exception be applied to the existing triplexes. The site-specific exception is described below in the DISCUSSION section of this report.

DISCUSSION

Public consultation

A public consultation session was held on November 7, 2018 at the Real Canadian Superstore Test Kitchen at 190 Richmond Road. Councillor Leiper, the applicant and City staff were present. Approximately 56 members of the public attended.

During the application review process, approximately 125 individuals commented on the application. Concerns primarily relate to the piece-meal approach of seeking permissions to intensify recently approved developments. Other concerns raised include density and character, loss of tree canopy, transition and precedence, increased levels of traffic and on-street parking, reduced setbacks and infrastructure capacity. Document 3 – Consultation Details provides a summary of comments that were received from members of the public during the circulation period and staff's responses.

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

Official Plan designation

The property is designated General Urban Area in Schedule B of the Official Plan.

Other applicable policies and guidelines

The subject site is within the scope of the Westboro Interim Control By-law and associated study. The results of the Westboro Interim Control By-law Study are to be heard at Planning Committee and Council on the same date as this Zoning By-law Amendment application. The properties are also subject to the Mature Neighbourhoods Overlay.

Urban Design Review Panel

The property is not within a Design Priority Area and the Zoning By-law amendment application was not subject to the Urban Design Review Panel (UDRP) process.

Planning rationale

Official Plan

The proposal has been reviewed under the consolidated Official Plan (2003 – OPA76) and in accordance with the Council approved amendments contained within Official Plan Amendment 150 (OPA150). The proposed Zoning By-law Amendment is consistent with the applicable Official Plan policies, including the General Urban Area Policies (Section 3.6.1). It provides intensification in a manner that is consistent with the Official Plan.

Pursuant to Schedule B and Section 3.6.1, the property is designated General Urban Area. As outlined in 3.6.1, the General Urban Area permits the development of a range of housing types and encourages infill development in a manner that ensures the long-term vitality of communities. Consistent with this policy direction, the proposal provides compatible intensification with low-rise residential infill development.

The proposed R4-UC zone on the subject site is consistent with the associated recommendations within the Westboro Interim Control By-law (ICB) Study. The site-specific exception proposed through this rezoning report permits a fourth unit within the existing triplexes located on the subject sites. Through this rezoning process, and although permitted by the *Planning Act*, the community articulated concern with the transparency of converting triplex dwellings into low-rise apartment buildings after the triplexes have been built. The site-specific exception limits the fourth unit to only be located within triplexes that legally exist as of the day this by-law is passed. Limiting the timeline to the day this by-law is passed encourages future purpose-built triplexes and apartment buildings, where they are permitted, rather than conversions of any new developments that may take place on-site. The permission to convert the existing triplexes to four-unit apartment buildings on-site is also tied to the performance standards already granted to the existing triplexes. In other words, no additional performance standard permissions (for example, additional height or reduced setbacks) are being granted to the existing built form, beyond what has already been approved and built on-site as of the day this by-law is passed. The proposed modest intensification of the existing built form is consistent with the policies of the General Urban Area.

Westboro Interim Control By-law Study

One of the recommendations included in the Westboro ICB Study report is to rezone the majority of the block upon which the properties subject to this application are located R4-UC. As per the “Background” section of this report, this Zoning By-law Amendment application (File No. D02-02-18-0044) originally contained a request to rezone 13 properties. Of these 13 properties, five are omitted from this report and are addressed through the recommended rezoning associated with the Westboro ICB study. These five properties are 566 and 570 Byron Avenue, 436 and 440 Roosevelt Avenue, and 431 Ravenhill Avenue, and are recommended to be re-zoned R4-UC within the Westboro ICB Study.

The Westboro ICB Study does not address the remaining eight properties subject to this site-specific application: 574, 576 Byron Avenue and 411, 415, 419, 423, 425 and 427 Ravenhill Avenue. These eight properties were omitted from the Westboro ICB Study because of this active privately initiated site-specific rezoning application. In addition, these eight properties are all currently occupied by triplexes and the applicant is seeking a site-specific exception.

To be consistent with the Westboro ICB Study, the eight properties subject to the recommendations within this report are being recommended to be rezoned the same as the rest of the block: R4-UC. The recommended rezoning also includes a site-specific exception that permits a fourth unit within the existing triplexes.

Mature Neighbourhoods Overlay

The site is subject to the Mature Neighbourhoods Overlay. On October 14, 2020, Council adopted By-laws 2020-288 and 2020-289, which introduced a range of new zoning provisions relating to low-rise development for residential properties inside the Greenbelt. Some of these zoning provisions impacted Section 139 and 140 of the Zoning By-law, relating to the Mature Neighbourhood Overlay. These zoning changes include, but are not limited to, new requirements for front yard soft landscaping, restrictions for front yard soft landscaping, restrictions on maximum driveway widths, and revisions to the Streetscape Character Analysis process.

Council's decision to approve By-law 2020-288 and 2020-289 was appealed to the Local Planning Appeal Tribunal (LPAT). While these by-laws are under appeal, the more restrictive provisions (whether they be in the proposed new By-laws or in 2008-250 Zoning By-law) are in effect. In other words, there are some standards within

the by-law that are under appeal, such as requirements for aggregated soft landscaping in the front yard applicable to active development applications.

The intent of this report is to permit a fourth unit within existing triplexes on the site. Other than adding the fourth unit, there are no changes currently proposed to the existing triplexes. The conversion from a three to four-unit building is not impacting the performance standards that apply to the existing dwellings. The proposed exception requires that the existing triplex dwellings continue to adhere to the performance standards, and any relief previously granted, applicable to the existing triplex buildings. Therefore, there is no conflict or relief required from either the Mature Neighbourhoods Overlay or the recent Council-approved amendments to the Mature Neighbourhoods Overlay provisions. This zoning by-law amendment allows for one additional unit to be added to each existing triplex building and conforms to the existing City policy for the area.

Details of Recommended Zoning

As detailed in Document 2 – Details of Recommended Zoning, the proposed Zoning By-law amendment will rezone the site from R3R (Residential Third Density, Subzone R) to R4-UC [xxxx] (Residential Fourth Density, Subzone UC, Exception xxxx).

The proposed R4-UC zone is consistent with the recommendations of the Westboro Interim Control By-law study and the City's policy direction for infill development in the neighbourhood.

The proposed site-specific exception addresses the permission to add a fourth unit to existing triplex dwellings. The exception allows a maximum of four units to be permitted within the triplex buildings that exist on-site as of the date this by-law is passed. The exception also addresses the requirement for this fourth unit to only be permitted within the existing building envelope, as of the date this by-law is passed. In other words, this amendment does not grant additional height, reduced setbacks or any other changes to performance standards that have already been granted to the site; it simply allows for modest intensification within an existing situation.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with the recommendation in this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Leiper 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 anticipated that three days hearing time would be required. It is anticipated that this hearing can be conducted within staff resources. In the event that the zoning application is refused, reasons must be provided. Should there be 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 recommendation in the 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

Any internal conversions to the existing triplexes or new buildings that may result from this rezoning will be required to meet the accessibility criteria contained within the Ontario Building Code. The *Accessibility for Ontarians with Disabilities Act* requirements for site design will also apply.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Sustainable Infrastructure: the proposal introduces intensification within the central area, which is already serviced, ensuring sustainable infrastructure investment to meet the future growth and service needs of the city.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-18-0044) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the fact the application was pending the outcome of the Westboro Interim Control By-law study and associated recommendations.

SUPPORTING DOCUMENTATION

Document 1 Location Map and Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law amendment application to permit a four-unit low-rise apartment dwelling use within triplex buildings that exist as of the day this by-law is passed. The proposed rezoning will allow for compatible infill development in the urban area and will permit modest intensification of existing built forms. The requested amendments are consistent with the Provincial Policy Statement and conform to the Official Plan and the Westboro Interim Control By-law recommendations. The Zoning By-law amendment represents good planning and the Department recommends the requested amendments be approved.

DISPOSITION

Office of the City Clerk, Council and Committee Services 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 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.

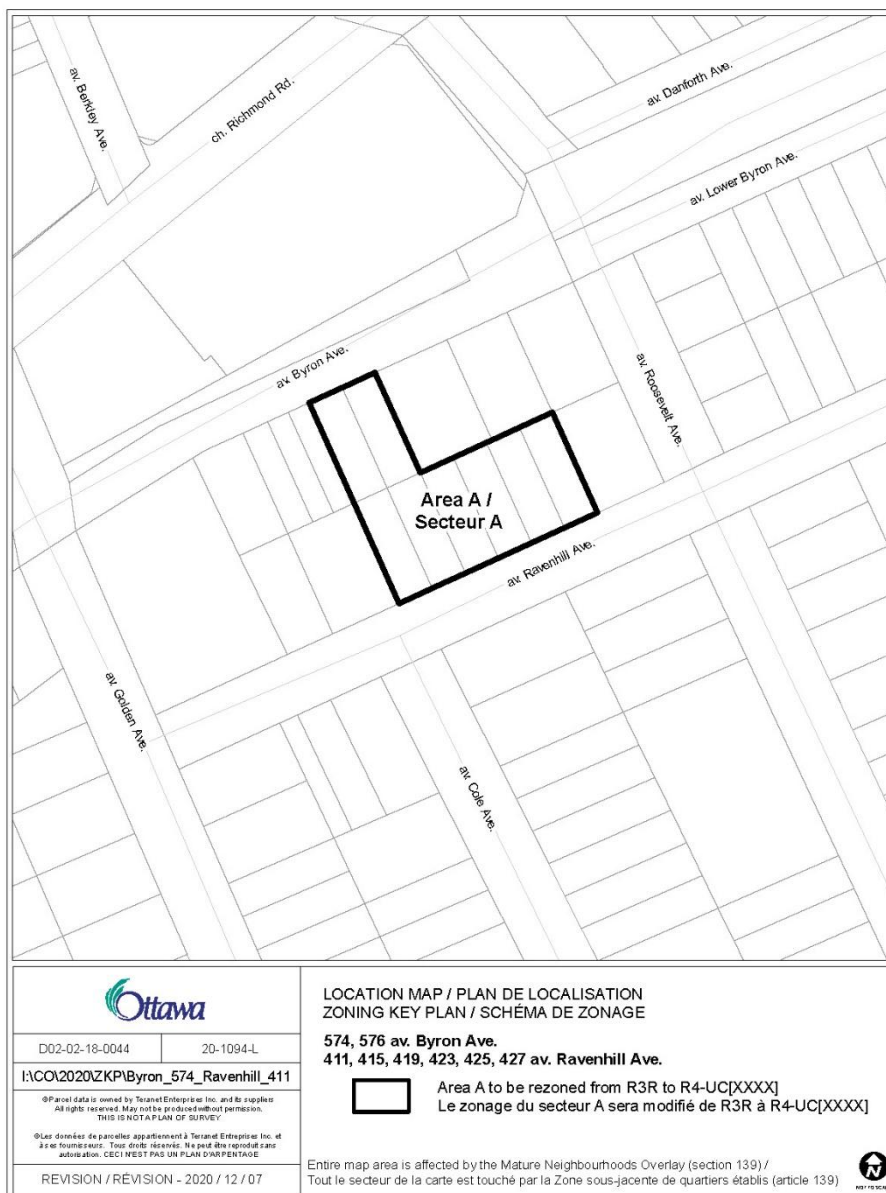
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map and Zoning Key Plan

For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.com).

The site consists of eight properties located in the Westboro neighbourhood located on the block bound by Byron Avenue to the north, Roosevelt Ave to the east, Ravenhill Avenue to the south, and Golden Avenue to the west.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 574, 576 Byron Avenue and 411, 415, 419, 423, 425, 427 Ravenhill Avenue, as shown in Document 1 as follows:

- 1) Rezone the lands shown in Document 1 from R3R to R4-UC [xxxx]
- 2) Amend Section 239, Urban Exceptions, by adding a new exception [xxxx], with provisions similar in effect to the following:
 - a) In column II, add the text: R4-UC [xxxx]
 - b) In column V, add the following text:
 - i) A low-rise apartment dwelling with a maximum of four dwelling units is only permitted as a result of a conversion of a triplex that legally existed as of X [insert the date this by-law is passed].
 - ii) The performance standards that would apply to a conversion from a triplex to a four-unit low-rise apartment dwelling are performance standards for the triplex as it exists on X [insert the date this by-law is passed].

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.

A public consultation session was held on November 7, 2018 at the Real Canadian Superstore Test Kitchen at 190 Richmond Road. Councillor Leiper, the applicant and City staff were present. Approximately 56 members of the public attended.

During the application review process, approximately 125 individuals commented on the application. The following summarizes, in no particular order, a list of common topics and items raised by members of the public in response to the application.

PUBLIC COMMENTS AND RESPONSES

Cumulative impact and approach

- Residents object to the piece-meal approach of seeking permissions to intensify recently approved developments. It is misleading to the community and disrespectful of zoning regulations. It violates the spirit of “planned development” and does not cultivate a sense of transparency or certainty amongst residents.
- Residents are concerned at the cumulative impact of allowing for a built form that was evaluated as one use, being applied to a different use. Specifically, there is concern that the permissions granted to construct a triplex use, may be applied to a low-rise apartment building through a conversion shortly after construction.
- Residents are concerned with the impact of a triplex conversion on the community. They are concerned it will result in a lack of screening and organization of waste and recycling and a lack of space for tenant storage and bike parking.

Response:

The Westboro ICB Study addresses the community concern with approach to developing and converting triplexes with the background study and proposed introduction of new zoning policies for the neighbourhood at-large.

This specific Zoning By-law amendment limits the conversion of eight specific triplexes into low-rise apartment buildings with the addition of one unit within buildings that exist as of the day this by-law is passed. The amendment is also specific to the eight properties subject to the application (rather than granting this permission more widely).

With regards to the impact that the additional unit will have on the community, the owner will still be required to meet all other Zoning and By-law standards regarding waste, bicycle parking, and site functionality. New low-rise apartment buildings will be subject to a Site Plan Control application for additional review.

Planning Services is of the opinion that this is reasonable intensification and is aligned with the policy direction of the Westboro ICB Study.

Density and character

- Some residents oppose the level of density that is proposed. They are concerned that this level of density threatens the unique character of the neighbourhood. A neighbourhood characterized for its varied and distinctive older homes on narrow, tree-lined streets. They are also concerned that the current infrastructure (roads, sewers, snow clearance) does not have the capacity to handle this density.

Response:

The Westboro ICB Study did background research and public consultation to assess the valued characteristics of the neighbourhood. From this study, specific recommendations to rezone the area appropriately are being brought forward to Council at the same Planning Committee and Council agenda as this rezoning application. This rezoning follows the direction set by the Westboro ICB Study and includes a site-specific exception to allow for one additional residential dwelling unit within existing triplexes on the property. Planning Services is satisfied the recommendations within this report allow for appropriate intensification that is compatible with the character of the neighbourhood and represent good planning.

Loss of tree canopy

- Residents are concerned about the loss of tree canopy, mature trees, greenspace, and permeable pavers. There is concern that the loss of green space will negatively impact city infrastructure, the urban canopy characteristic of

the Westboro neighbourhood, temperature buffering, biodiversity, air purification, and overall quality of life.

- There is a desire to retain and replace any lost trees and nature/landscaping/amenity.

Response:

This proposed rezoning does not change the existing landscaping requirements on-site, beyond what is recommended by the associated Westboro ICB Study. A Site Plan Control application will be required for any lot that introduces a low-rise apartment building and further discussion about landscaping may take place through that application process.

Transition and precedence

- Residents do not believe this is a suitable transitional area from the developments on Byron. They believe that edge conditions will continue to exist, just now be shifted further south. Residents are concerned that this rezoning will result in future applications for even higher height and density. Residents are concerned that it will set a precedence for R4 rezoning applications to spread further south into the neighbourhood.

Response:

Each Zoning By-law Amendment application is reviewed on its own merits based on the underlying planning policy. The Westboro ICB study provides direction for how this area will develop over time through the introduction of new zoning provisions. This rezoning is aligned with the direction of this Westboro ICB.

Parking, Traffic and Access

- Residents are concerned about increased levels of traffic and increased on-street parking. There is concerned additional traffic and parking will decrease the safety of the streets for pedestrians (particularly children), cause congestion on the surrounding streets, reduce accessibility to the nearby schools and churches, and limit emergency vehicle access.

Response:

The proposed rezoning does not propose to change or reduce any minimum required parking requirements in the Zoning By-law. Any future conversions into apartment

dwelling uses must comply with the Zoning By-law to receive Site Plan Control approval. Through this rezoning application, the applicant also provided a Transportation Impact Assessment that was approved by City of Ottawa transportation staff.

Setbacks, height, infrastructure and construction noise

- Residents are concerned by reduced setbacks from lot lines.
- Residents are concerned that there will be overshadowing of neighbouring properties, reducing the ability for neighbours to see the sky.
- Residents are concerned that there will be water drainage issues and increased stress on servicing infrastructure. There is concern that the new development will result in flooding and infrastructure problems for the neighbourhood.
- Residents are concerned that construction noise will continue to be a disturbance in the neighbourhood.

Response:

Beyond what has been previously granted to the triplex uses that exist currently on-site and what is proposed in the Westboro ICB Study, this proposed rezoning no longer includes any provisions requesting a change to setbacks and height.

To address impacts to infrastructure, the applicant provided a Geotechnical Memorandum, Servicing Memorandum, and a Phase One Environmental Site Assessment for this rezoning application. Infrastructure staff are satisfied the existing infrastructure can handle the proposed additional unit in each existing triplex. Further studies and reports will be required for future Site Plan Control applications.

Unless accompanied by other site-changes, conversions typically take place internal to an existing building, and do not typically have a significant construction impacts to the Right-Of-Way or neighbouring community. Should construction take place, the owner will be required to mitigate impacts by meeting the City's noise by-law and Building Code requirements.

Community Organization Comments and Responses

The Westminster Presbyterian Church and Westboro Community Association provided comments. These comments and the City response are outlined below.

The congregation of Westminster Presbyterian Church provided the following comments on November 23, 2018:

- Many members of our congregation rely upon access to parking on Roosevelt Avenue in order to access the church on Sunday and throughout the week. The proposed re-zoning will create an increased demand for parking on Roosevelt and Ravenhill Avenues, particularly considering that only 2 parking spaces have been provided for each of the three unit buildings. Also, their driveways will eliminate further street parking space. The lack of on-property parking for the residents of the units on the properties to be re-zoned, as well as for any of their visitors, will significantly increase the demand for parking on Roosevelt and Ravenhill Avenues. This will have the effect of requiring our members and the many community users of our facilities, many of whom have mobility challenges, to park further away from the church, and will present a barrier to access.

The Westboro Pre-School operates during the week in the church. The clients of the pre-school will be similarly affected by a higher demand for parking, and also have mobility challenges.

The 3rd Ottawa Scout Troop has at least three evening meetings with numerous children and youth in the church and parking for their parents is at a premium.

Because our church has a gym and also a large lower hall below our sanctuary, our building has high use from the community for all ages so is very busy throughout the day and evening all year. There are before work exercise classes, morning baby music program, lunch program every weekday, violin music classes, seniors square dancing in the evening and many more.

Parking is a challenge for the whole neighbourhood most times and shoppers from Richmond Road are even parking in front of our building.

The increase in traffic on Roosevelt Avenue will create a public safety risk for our members, pre-school clients, other program groups and other neighbours.

During the winter, with snowfall, Roosevelt Avenue will, at many times, be reduced to a single lane road which will make it difficult for our congregation and program groups to access the church. It will also create traffic congestion, and potentially prevent access for emergency vehicles, which presents a risk to public safety.

We respectfully request that the subject application not be approved.

Response:

The proposed rezoning does not propose to change or reduce any minimum required parking requirements in the Zoning By-law. Any future conversions into apartment dwelling uses must comply with the Zoning By-law to receive Site Plan Control approval.

Westboro Community Association provided the following comments on November 27, 2018:

Byron Avenue, Roosevelt Avenue and Ravenhill Avenue

PLANNING RATIONALE

IN OPPOSITION TO

A ZONING BY-LAW AMENDMENT

Prepared by:

WESTBORO COMMUNITY ASSOCIATION

A corporation without share capital incorporated by Letters Patent under the laws of Ontario, bearing corporation number 307397

November 26, 2018



Subject Site intensification underway under R3R. Is R4G necessary?

Planning Rationale – Byron Roosevelt and Ravenhill Avenue

I. OVERVIEW

II. PLANNING RATIONALE FOR DENYING R4G REZONING APPLICATION

1. Context

2. Provincial Policy Statement (PPS)

3. City of Ottawa Official Plan (OP)

4. Westboro Secondary and Community Design Plans

III. CONCLUSION

I. Overview

The Westboro Community Association (WCA) has prepared this Comment in opposition to the Zoning By-law Amendment application by Novatech to rezone the Subject Site (Byron/Ravenhill/Roosevelt Avenues) from Residential Third Density, Subzone R (R#R) to Residential Fourth Density, Subzone G (R4G). The proposed amendment is **not necessary** in order to allow the construction of low-rise apartment dwellings as the current R3R zoning permits the demolition of single family homes for the construction of triplexes, which are already under construction, and the application states that further height and density will not be sought should R4G be granted. The intensification (some eight homes are now being converted into 6 triplexes and 4 semidetached units or 24 residences) and as much as a six-fold increase if all 14 triplexes, plus 4 semidetached units, were built (50 residences in total). This intensification under R3R clearly already meets the provincial and city intensification objectives without the need for R4G rezoning. Unfortunately, the applicant is silent on this existing intensification.

As the built form height and density of the applicant's project will remain the same whether R3R remains in force or the zoning is amended to R4G, it is incumbent on the applicant to make the case for how under R4G the project would be significantly incremental to furthering the intensification objectives of the province and city. In seeking to make this case, the applicant needs to justify how it is in the interest of the province/city, and most importantly the community, that the applicant be permitted "relief" under R4G so as to be permitted reduced "lot width", "lot area", "rear yard setback", "interior yard setbacks", "front yard setbacks", and "communal amenity" areas". Given the extensive relief being sought, which basically emasculates the R4G

zoning benefits, the proposed amendment is **not incremental** to the R3R zoning currently in place. Unfortunately, the applicant is silent on the lack of incrementality.

Given the questions of whether 1) the application is necessary (i.e. rezoning from R3R to R4G) and 2) the relief the application is seeking represents significant incremental intensification (i.e., R4G would be emasculated), the applicant needs to show:

- 1) how a three-to-six fold increase in intensification of the Subject Site currently underway under R3R 'fails' to meet Provincial Policy Statement (PPS), City of Ottawa Official Plan (OP), and Wesboro Secondary and Community Design Plans (WSCDP) intensification objectives,
- 2) how the **sole introduction of up to 14 'basement units'** through rezoning to R4G to allow conversion of triplexes into fourplexes more significantly meets the intensification objectives of the PPS, OP and WSCDP,
- 3) why subjecting the city and community to a R4G zoning application is justified when only one singular interest will be served, that is, the rental of basement units, when relief will be sought from the broader public interest objectives of R4G, and
- 4) why R4G zoning is being pursued now to obtain after-the-fact permitted use for something (i.e., basement residential dwellings) that has already been constructed or is under construction despite not being a permitted use under the current R3R zoning.

The applicant's planning rationale is silent on these points, especially with respect to the sole objective of seeking after-the-fact permission for the basement units through recognition of the triplexes as fourplexes. Furthermore, the applicant's case is presented in such a way as to give the impression that the Subject Site is undeveloped and needs the rezoning to achieve the built height and density necessary for satisfying intensification objectives when the project's height and density is already well underway. For these reasons, and others noted below, the rezoning application fails to meet the test of the PPS, OP and the WSCDP and, therefore should be **denied**.



Figure 1: Fourplexes waiting for R4G approval

II. Planning Rationale for Denying R4G Rezoning Application

The WCA supports thoughtful development which balances the need for intensification with the preservation of the environment, green space, affordability, our built heritage, and the walkability of our neighbourhoods. Given that these are also provincial and city objectives, the WCA supports the intensification policies of the PPS, OP and WSCDP and agrees that the Subject Site is well suited for intensification. However, the WCA is opposed to the R4G rezoning application because 1) the Subject Site is fully capable of meeting provincial/city intensification objectives under the current R3R zoning (Figure 2), and 2) the applicant is seeking to use the rezoning for after-the-fact approval that will primarily only serve a singular interests (i.e., rental of 14 basement unites) without demonstrating how the R4G public interests, as required by the PPS, OP and WSCP, would be specifically achieved (Figure 3).



Figure 2: Subject Site intensification under R3R



Figure 3: Non-permitted fourplexes are being built and wait for R4G approval

1. Context

a) applicant's statement of purpose **fails** to provide **context** of current situation

The applicant states that the "proposed amendment will allow low-rise apartment dwellings as permitted use" on Byron, Roosevelt, and Ravenhill Avenues identified (Novatech, Planning Rationale, pg. 1, Revised September 18, 2019). What the applicant fails to note is that the built form height and mass will be unchanged whether R3R zoning remains in force or R4G zoning is granted. In other words, the Subject Site consists of a space where in the past several years eight single family homes have been demolished or are being demolished to make way for up to 14 triplexes and 4 semidetached units (permissible under R3R) though in actual fact the triplexes are being built as fourplexes (not permissible under R3R) (Figure 4). The sole change that would be achieved by the rezoning application would be to establish permitted use for something that is being built already (i.e., conversion of triplexes to fourplexes). No other intensification objectives of the PPS, OP or WSCDP is being sought. Finally, despite the importance to the applicant of converting triplexes to fourplexes, the applicant's planning rationale avoids altogether any reference to these terms choosing instead to obscure the issue by relying solely on the generic term "low-rise residential dwellings".

b) applicant's Subject Site description **fails** to acknowledge past existence of **family homes**

The applicant describes the Subject Site as "currently occupied by a range of low-rise residential dwellings, including detached, semi-detached and three-unit dwellings" that is "currently zoned Residential Third Density, Subzone R (R3R)" (Novatech Planning Rationale, pg. 2). What the applicant fails to note is that the Subject Site is already under construction by the applicant (i.e., six so-called triplexes; four semidetached) with eight more triplexes planned. Furthermore, the development by the applicant has involved to date the demolition of some eight family homes over the past several years so that up to 14 triplexes/fourplexes can be built. As these family homes had been in existence for many decades, it is their so that up to 14 triplexes/fourplexes can be built. As these family homes had been in existence for many decades, it is their character which defines this part of the wider community. In addition, when the applicant refers to the Subject Site as including "low-rise residential dwellings", these are presumably the triplexes/fourplexes which the applicant is building but does not want to draw attention to. In short, the description of the Subject Site omits its most critical defining character (single family

homes) and the fact the applicant is already the developer of low-rise residential dwellings (triplexes) that can be found there today (Figure 5). This is particularly important as it affects the baseline for the case for intensification: by removing eight single family homes and proceeding with the construction of 18 triplexes and semidetached units, the Subject Site is already undergoing a significant increase in intensification. This means that it is already meeting PPS, OP and WSCDP intensification objectives. Therefore, the applicant needs to make clear why the introduction of 14 basement units so advances further the PPS, OP and WSCDP intensification objectives that a rezoning to R4G is now justified.



Figure 4: Family homes are context for Subject Site



Figure 5: Family homes & triplexes not acknowledged by applicant

2. Provincial Policy Statement (PPS)

a) applicant's project fails to represent healthy, liveable and safe communities

The applicant claims that the rezoning will result in a “healthy, liveable and safe” community by relying on general statements related to PPS Section 1.1.1, without demonstrating direct linkage to the actual project at hand. Specifically, the applicant states that “rezoning of the Subject Site will accommodate an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs of the neighbourhood” (Novatech Planning Rationale, pg. 7). This is simply not true as to what is and will take place on the Subject Site. The only change that will occur with rezoning from R3R to R4G is that triplexes currently under construction will be permitted to use their basement units as residential dwellings. Furthermore, **the relief that the amendment is seeking**

under R4G is exactly the development design features that would have allowed the project to create “healthy, liveable and safe communities”. Finally, all of the triplexes/fourplexes will be virtually identical (Figure 6). In short, the zoning amendment would result in a homogeneous concentrated mass of fourplexes without contributing anything further to make the community more healthy, liveable and safe.

b) applicant **fails** to make case how the sole addition of basement units provides significant **intensification benefits**

Again, while the applicant thoroughly cites the PPS with respect to the importance of “settlement areas” being the “focus of growth and development”, especially with respect to supporting “active transportation”, among other benefits, the case presented fails to demonstrate how the sole conversion of basement space to 14 residential dwellings will so significantly advance these benefits that it is in the public interest to have R4G rezoning, albeit with relief from major development design features (Novatech Planning Rationale, pg. 7-8). In fact, there is no acknowledgement that the purpose of the rezoning request is singularly to obtain after-the-fact permitted use for already under construction basement units (Figures 1, 2, and 3). What a more transparent application would have done is to demonstrate how the addition of 14 basement units will so significantly promote the “growth”, “development”, “vitality”, “efficient use”, “energy efficiency”, and “active transportation” PPS objectives that a R4G zoning is absolutely necessary.

In summary, the applicant by focusing on generous citations of PPS policy, without making reference to the specifics of the project under construction, fails to make the case for how the addition of basement units – the singular benefit being sought – will so support “intensification” and “promote a land use pattern, density and mix of uses that efficiently uses city resources, minimizes vehicular dependence and supports accessible active as well as public modes of transportation” that the R3R zoning, where the project’s building height and density is being realized, must be rezoning to R4G (so that basement units can be a permitted use and no other development design features will be pursued).



Figure 6: Subject Site will consist of homogeneous concentrated mass of built form

3. City of Ottawa Official Plan (OP)

a) applicant **fails** to make case for how addition of basement units reinforce **qualities** valued by its city/residents

The OP states:

This Plan manages this growth in ways that reinforce the qualities of the city most valued by its residents: its distinctly liveable communities, its green and open character, and its unique characteristics that distinguish Ottawa from all other places. (Prologue).

Wherever growth occurs, it will be managed to ensure that Ottawa's communities are eminently liveable. This is a commitment that will be realized through a focus on community design and a concern for people and the quality of the spaces they occupy. (Amendment #150, May 2, 2018; Strategic Directions 2.1).

That quality of the built environment is a significant cornerstone of intensification. Well-designed public spaces and buildings are considered to be critical factors in achieving compatibility between the existing and planned built form. This Plan requires that intensification proposals have full regard for the existing built context and a full understanding of the impacts the proposal will have on both the immediate and wider surroundings. Consequently, the Plan calls for excellence in urban design and architecture, both in the public and private realms (Strategic Directions 2.2.2).

The R4G rezoning application offends these OP planning objectives in the following ways:

- The growth is **not** occurring in a “managed” way – the applicant previously led the community and city to believe that a certain number of triplexes would be built on the Subject Site. It was only after four gas mains were spotted, and later four mailboxes, in front of the 6 supposedly triplexes currently under construction, that the community learned that the applicant’s intent was to pursue fourplexes (Figures 1 and 3). “Growth” by stealth, whether legal or not, is not growth that “occurs” in a “managed” way “to ensure that Ottawa’s communities are eminently liveable”.
- The growth will **not** contribute to the city’s “distinctly liveable communities” – the applicant is seeking to replace single family dwellings on sizeable treed lots with front and back lawns that were able to easily accommodate residential parking and garbage management needs with 14 fourplexes (56 residences) that will have virtually no trees and lawns, create neighbourhood parking stress, as there will limited parking places provided each of the fourplexes, and generate an eight-fold increase in curbside garbage per set of fourplexes. Furthermore, as noted by other members of the community (e.g. Westminster Presbyterian Church), ‘the lack of on-property parking for residents of the units on the properties to be re-zoned, as well as for any of their visitors, will significantly increase the demand for parking on Roosevelt and Ravenhill Avenues’. As Ravenhill Avenue does not have sidewalks, the street parking that the conversion of triplexes to fourplexes will create will further undermine the quality of the community because it will force residents to walk in traffic lanes, especially in the winter.
- The growth will **not** contribute to well-designed public spaces – while WCA has no issue with the particular design of the individual triplexes/fourplexes, the fact that there is no significant variation in the design among the structures means that the applicant is seeking to substitute a ‘cookie-cutter’ approach for a well-designed public space. The garbage and parking issues, as well as loss of green space and trees, all speak to how the growth will detract for being a well-designed public space.

b) applicant fails to make case for compatibility with existing context or contribute to the diversity of land use

The OP states:

Infill and redevelopment will be compatible with the existing context or planned function of the area and contribute to the diversity of housing, employment, or services in the area. 'Amendment #150, May 2, 2018; 2.1 Managing Growth].

This OP planning guideline has been reinforced by Ontario Municipal Board (OMB) rulings, as follows:

Introducing new development in existing areas that have developed over a long period of time requires a sensitive approach and a respect for a communities established characteristics. Allowing for some flexibility and variation that's complements the character of existing communities is central to successful intensification. In general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. If 'fits well' within its physical context and 'works well' among those functions that surround it. Generally speaking, the more a new development can incorporate the common characteristics of its setting in its design, the more compatible it will be. (Amendment #76, OMB File #PL100206, August 18, 2011 and September 7, 2011; Building Liveable Communities 2.5.1).

The R4G rezoning application offends these OP planning objectives in the following ways:

- The growth is **incompatible** with the existing context – the applicant is seeking to build a concentrated mass of 14 virtually identical fourplexes in a wider community where fourplexes are only to be found interspersed with triplexes, semi-detached, and single family dwellings, as well as other building forms (Figures 7 and 8). As seen in Figure 9, the applicant's major concentration of fourplexes project would **not** 'fit well' within its physical context nor 'work well' with those features that surround it.



Figure 7: Applicant's Concept Plan for up to 14 virtually identical triplexes/fourplexes



Figure 8: Example of one of 14 triplexes/fourplexes being built (applicant is silent on existence of these triplexes/fourplexes)



Figure 9: Example of existing context not acknowledged by applicant

- The growth does **not** contribute to the diversity of housing, employment, or services in the area – in seeking R4G rezoning, the applicant would have the opportunity to develop the Subject Site so that it allows “a mix of residential building forms ranging from detached to low rise apartment dwellings” (Part 6 – Residential Zones (Section 155 to 168), City of Ottawa). As noted above, rather than contributing to “diversity” the applicant is seeking to create a ‘homogeneous’ mass of a single land use (i.e. virtually identical fourplexes) (Figures 7 and 10). In fact, the sole objective of the R4G rezoning application is to obtain after-the-fact permitted use for something that is already under construction.



Figure 10: Repeating the same design up to 14 times does not make 'diversity'

c) project fails to protect the urban canopy

The OP states:

The City will increase forest cover in urban and rural areas through the planning and development process by: 1. Emphasizing tree preservation and planting in the requirements for private development and public works, including road corridors, parks and municipal buildings (Greenspace 2.4.5, Policy 7)

The R4G rezoning applications offends this OP planning objective in the following way:

- The growth will result in a loss of the immediate urban canopy – as noted above, the Subject Site had consisted of single family homes on treed lots with front and back lawns before construction began (Figures 4, 5, 9, and 11). Unfortunately, the project being pursued by the applicant has removed virtually all trees and green spaces and made no effort to replace them. This demonstrates that the applicant has failed to respond to the Greenspace Policy. This in turn represents a further failure by the applicant to recognize the “impacts the project will have on the immediate surroundings” (Figure 12).



Figure 11: Urban canopy before construction



Figure 12: Loss of urban canopy as result of project - Ravenhill

- The growth will add to the loss of the wider surroundings urban canopy – a quick glance at Google Earth images shows a stark contrast in urban canopy between old and new land use. Focusing on just Kitchissippi Ward, new property developments appear as rectangular blocks with no tree canopy, while (sic) established 'mature' homes and buildings reveal an extensive canopy. When one superimposes an aerial photograph from 2002, the loss of tree cover is even more apparent. Unfortunately, the applicant's project represents a significant continuation of the degradation of the Ward's urban canopy with no off-setting benefits to the community. If the application was committed to the planning objectives of the OP, in seeking R4G rezoning they would show a plan for both intensification and sound management of the urban canopy. Unfortunately, the R4G rezoning application is silent on this planning issue.



Figure 14: Subject Site as identified by applicant



Figure 15: Subject Site as seen before construction via Google Earth

- d) the applicant **fails** to make case for why **growth** must be under R4G and not R3R

In citing OP Section 2.1, the applicant makes the claim that the proposed rezoning “will help to meet the demand for new housing and smaller, affordable units within the green belt” (Novatech Planning Rationale, pg. 9). In doing so, the applicant fails to provide evidence for why the growth possible under R3R is inadequate. In fact, the applicant consistently throughout their Planning Rationale, fails to acknowledge the up to six-fold increase in intensification that is possible under the current R3R zoning. In addition, the applicant fails to account for how the addition of 14 basement units alone (which is the only change being sought through R4G) “will help” to meet the OP growth objectives. In other words, much of the growth that applicant implies will result from the rezoning is actually growth that is occurring under the current zoning.

- e) the applicant **fails** to make case for how R4G significantly supports transportation network

In citing OP Section 2.2.2., the applicant asserts that the R4G rezoning will make a difference with respect to “public transit” (Novatech Planning Rationale, pg. 10). Again, the applicant fails to take into account that the intensification under R3R

(50 residences) is already achieving a better utilization of “public transit”. By not breaking out the contribution margin of the addition of 14 basement units, the application seeks to give the impression that the R4G zoning alone will account for all of the transit oriented development of the Subject Site. This is simply not the case.

In summary, by focusing on generous citation of OP policy, without making reference to the specifics of the project under construction, the applicant fails to make the case for how the addition of 14 basement units – the singular benefit being sought – will so support “intensification” and transit oriented development, that a R4G rezoning is justified. Furthermore, despite referring to appropriate OP policy, the applicant fails to demonstrate how R4G rezoning will contribute in any meaningful way to advancing the quality, compatibility, diversity, and urban canopy of the community.

4. Westboro Secondary and Community Design Plans (WSCDP)

a) the applicant fails to account for how R4G zoning will provide transition to low-rise residential neighbourhood

The applicant makes the claim that: “The proposal to permit low-rise apartment dwellings on the Subject Site, will provide an appropriate and protective transition to the low-rise residential neighbourhood south of the Subject Site” (Novatech Planning Rationale, pg. 15) As throughout the applicant’s Planning Rationale, there is a failure to acknowledge the low-rise residential buildings that are already being constructed on the Subject Site under R3R. Most importantly, the applicant fails to take into account that the building height under R3R and R4G will remain the same. This is because the issue for the applicant is solely to convert basement space into residential dwellings. Therefore, whether there is R3R or R4G zoning, the Subject Site will provide the same transition to the low-rise residential neighbourhood to the south. In fact, the transition is already being accomplished by that have largely been built, as per Figure 16.



Figure 16: Transition from Westboro Station
is already occurring on Subject Site

b) the applicant **misrepresents transition** between Subject Site and development

The applicant states that “the transition between the mid-high rise Westboro Station development and the low-rise residential neighbourhood south of Byron is inadequate” (Novatech Planning Rationale, pg. 17). The claim is supported by the applicant’s photo below (applicant’s Figure 14; reproduced here as Figure 17). Despite revising the Planning Rationale on September 18, 2018, the applicant’s photo fails to represent the streetscape as it is today (Figures 18 and 17).

Planning Rationale

Byron, Roosevelt and Ravenshill Avenue



Figure 14: Transition between Subject Site and development on the north side of Byron Avenue

Figure 17: Applicant uses out of date photo to make claim building height transition is inadequate



Figure 18: The streetscape as it is today

In summary, by focusing on generous citation of WSCDP policy, without making reference to the specifics of the project under construction, the applicant fails to make the case for how the addition of 14 basement units – the singular benefit being sought – will so support transition objectives between the Subject Site and development on the north side of Byron Avenue, that a R4G rezoning is justified. Furthermore, in trying to make the case for R4G zoning, the applicant misrepresents the actual streetscape on the south of Byron Avenue that is being constructed under current R3R zoning.

III. Conclusion

The issue before the City is whether the case has been made by the applicant for rezoning the Subject Site from R3R to R4G. As R3R zoning is already in place, with six supposedly triplexes and four semidetached units under construction, and eight more triplexes planned, the intensification objectives of the PPS, OP and WSCDP have been settled for this zoning and do not need to be reargued. Only the case for the change from R3R to R4G has to be addressed. To this end, the applicant must show how going from R3R to R4G will be both significantly incremental and necessary with respect to the intensification policies of the PPS, OP and WSCDP. In other words, the applicant needs to demonstrate how the current zoning fails provincial and city policies which only the adoption of R4G can remedy. This is especially important as the applicant is seeking R4G with significant relief from the very development design features that provincial and city policies have established as important to communities undergoing intensification. Unfortunately, the applicant has failed to make the case for the incrementality, necessity and specific impact of the zoning amendment. Rather than make a case for R4G amendment, the applicant has sought to obscure the issue by avoiding any distinction between what is already in force (R3R) and taking place (significant triplexes/semidetached intensification) with the change being sought (R4G) and the new outcomes that would result (permitted use of 14 basement units; nothing more). As summarized in **Table 1** below, while the applicant does a thorough job of citing relevant sections of the PPS, OP and WSCDP, the planning rationale for justifying (sic) R4G zoning is lacking in transparency (triplexes/fourplexes are never mentioned) and any rezoning specific planning evidence. **As the applicant is either unable or unwilling to make a case specific to the R4G benefit being sought then the application should be denied.**

TABLE 1: SUMMARY OF APPLICANT'S R4G CASE

POLICY	OBJECTIVE	R4G
CONTEXT.	1) context of current situation.	1) not acknowledged (pg. 3)
	2) past existence of family homes	2) not acknowledged (pg. 3)
PPS.	3) healthy, liveable & safe communities.	3) incremental case not made (pg. 4)
	4) how basement units increase intensification.	4) not acknowledged; case not made (pg. 4)
OP.	5) growth in "managed" way.	5) no . Fourplexes goal hidden (pg. 5)
	6) distinctly liveable communities.	6) no specific case (re R4G) made (pg. 5)
	7) well-designed public space.	7) no specific case (re R4G) made (pg. 5)
	8) compatibility/diversity of land use.	8) no specific case (re R4G) made (pg. 5)
	9) existing context	9) not acknowledged (pg. 6)
	10) diversity of housing, employment, services.	10) no specific case (re R4G) made (pg. 7)
	11) urban canopy - immediate & wider	11) not acknowledged; case not made (pg. 8)
	12) case for growth.	12) no specific case (re R4G) made (pg. 9)
	13) case for transit oriented development	13) no specific case (re R4G) made (pg. 9)
	14) transition - Byron N to Subject Site	14) misrepresented (pg. 10)
WSCDP.		

Response:

At the time the Westboro Community Association submitted these comments, Planning Services also had concerns with the proposal (see BACKGROUND section of this report). Since that time, the policy context and proposal has evolved in the following ways:

- The Westboro ICB Study is now complete, and the recommendations are being proposed at Planning Committee and Council the same date as this rezoning. This Westboro ICB Study provides policy context and direction on considering redevelopment in this area. This rezoning is consistent with this policy direction.
- The R4G zoning is no longer being sought. The proposed zone is R4-UC with a site-specific exception. The R4-UC zone is consistent with the recommendations of Westboro ICB Study.

- Only eight of the original 13 properties are proposed to be rezoned through this report. These eight properties are all currently occupied by triplexes. This rezoning will include an exception to permit a fourth unit within the buildings, as they exist as of the day this by-law is passed. In other words, it permits a conversion within the existing built form.

Planning Services is now of the opinion the proposed rezoning recommendations within this report represents good planning.