

R4 Zoning Review, Phase 2

ACS2020-PIE-EDP-0015

City Wide

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*Deferred from the Planning Committee meeting of August 27, 2020*

### Report recommendations

1. That Planning Committee recommend that Council approve an amendment to Zoning By-law 2008-250 as shown on Document 1 and detailed in Document 2a, 2b and 2c; and
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 September 9, 2020", subject to submissions received between the publication of this report and the time of Council's decision.

Planning Committee - August 27, 2020

### Motion N° PLC 2020-28/2

WHEREAS report ACS2020-PIE-EDP-0015 details the second phase of the R4 Zoning Review and recommends changes to enable the development of more infill low-rise apartment buildings and stacked dwellings in existing R4-zoned areas in the inner-urban wards; and

WHEREAS in recognition of the length of the report and the summer vacation schedules of stakeholders;

THEREFORE BE IT RESOLVED that Planning Committee approve that the item be

deferred to the September 10th, 2020 Planning Committee meeting;

**AND BE IT FURTHER RESOLVED THAT pursuant to subsection 34(17) of the *Planning Act*, no further notice be given.**

DEFERRAL CARRIED

The following staff of the Planning, Infrastructure and Economic Development department provided a presentation and responded to questions: David Wise, Program Manager, Zoning & Intensification; Tim Moerman, Planner III.

The committee heard ten delegations on this matter:

- Charl-Thom H. Bayer, Chair of Development Review Committee, Manor Park Community Association (MPCA)<sup>1</sup> indicated the proposed changes to do not provide sufficient measures to address certain key issues, including: insufficient provision for family housing in revised R4 zones; insufficiently sized family apartments; rooftop terraces and gardens; greenspace; tree canopy; and, affordable housing. The MPCA recommends that information be provided about measures that must accompany this zoning amendment to improve access to transport, greenspaces, schools, recreation and retail (food), and also recommends that a social infrastructure plan precede the implementation of the R4 Zoning amendments for which the City must be accountable. The MPCA does support some of the proposed amendments, as noted in their written submission.
- Murray Chown, for Greater Ottawa Home Builders' Association (GOHBA), acknowledged staff efforts around consultation with the industry and other stakeholders on these significant changes to the Zoning By-law. He noted that while GOHBA is generally supportive of the exercise and the intention to see more housing on smaller lots and the improvement of housing affordability, it continues to have some concerns with the recommendations, but is willing to see how the zoning changes play out and whether there will be significant take-up by the industry and whether the changes lead to the desired outcomes.
- Marjolaine Provost and Shay Purdy, Overbrook Community Association<sup>2</sup> expressed general support for changes to encouraging more low-rise apartment buildings with articulation and to discourage flat, box-shaped buildings. They

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<sup>1</sup> Submission on file

<sup>2</sup> Submission on file

would like to see policy added to the OP to give directions on the Committee of Adjustment and its future interpretations of any minor variance requests for these R4 zoned properties. They support policy for properly designed roof top terraces and encourage implementation of green roof policies. They support the provisions around maximums for lot size and unit count to avoid oversized low rise buildings. They suggest a firm cap of 24 (maximum) of units on consolidated lots. The Association recommends increasing the number of two-bedroom (or more) units required from 25% to 33% and adding a requirement for some three-bedroom units, to support family dwellings, and prohibiting buildings with only bachelor or one-bedroom units. They feel more work is needed, with a report back on a fuller range of mechanisms to ensure there will be sufficient sidewalks/infrastructure to support the intended transformation.

- Susan Young, President, Action Sandy Hill, expressed general support for the recommendations but recommended density be assigned in such a way as to guarantee more affordable housing in better 15-minute neighbourhoods across the whole of Ottawa, by mandating gentle intensification across all the city's residential zones and then incentivizing affordability with a density bonus, using the inclusionary zoning tool and ensuring that every neighbourhood contributes equally to solving the housing problem. She noted that at least 85% of Sandy Hill is R4 and the results of this review will have a particularly large impact on the neighbourhood. She recommended that rooftop patios not be permitted, that the recess for front façades be put back to 1.5 meters, as previously proposed, that inside garbage storage areas be required, and that the City allow the already approved 1000+ units for Sandy Hill to be built, adding in density bonusing, and only then applying the new R4 rules in that neighbourhood.
- Chris Greenshields, Vice President, Vanier Community Association<sup>3</sup> welcomed opportunities for City engagement to address the shortage of greenspace in Vanier as intensification and infill increase. He spoke to the importance of focusing on neighbourhood differences and needs, noting that Vanier is ready, if sceptical, to move forward, and needs to maintain housing choice that is affordable; that balconies and fenestration are important, but that facade articulation should not be sacrificed so as to better contribute to the streetscape. The Association is concerned about reduced front setbacks because of impact on tree canopy and greenspace. They support Overbrook's call for reconsideration of

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<sup>3</sup> Submission on file

the cap on the number of units in the relevant R4 subzone to 24. They support the points made in the written submission of the Federation of Citizens' Association. They recommend a monitoring plan to establish benchmarks for the review of implementation of the R4 changes in conjunction with Infill II+.

- Jay Baltz, Co-Chair, Zoning Committee, Hintonburg Community Association<sup>4</sup> noted there is nothing zoned lower than R4 in Hintonburg so the entire area will be affected by the proposed changes. The Association supports the intent of providing low-rise and multi-unit apartments in the neighbourhood but asks that the minimal set of standards that had been proposed throughout this process, from the Technical Advisory Committee and through public consultations, be restored, and that 1.5 meter articulation of the front façade and balconies on the front be again required to ensure compatibility of this new built form in neighbourhoods where the predominant buildings are articulated and have porches, such as most of the R4 zone in Hintonburg.
- Linda Hoad, Co-Chair, Zoning Committee, Hintonburg Community Association<sup>5</sup>, suggested the present proposal is asking too few neighbourhoods to solve the housing affordability problem and that both the City and the private sector need to contribute to creating affordable housing for the 'missing middle'. She recommended that: inclusionary zoning be implemented now; there be consistent and vigorous enforcement of policy and property standards to prevent demolitions prior to issuance of a building permit (to protect existing affordable housing); Temporary Zoning requests (new or renewal) for lands with residential or mixed used zoning be refused; the City inform every applicant applying to build rental housing about the Canada Mortgage and Housing Corporation's rental construction financing initiative and encourage them to make use of this program
- Cheryl Parrott, member, Zoning Committee, Hintonburg Community Association<sup>6</sup>, noted that the R4 areas will be the only part of the City where there is no per unit calculation for amenity space on triplexes and low-rise apartments, effectively reducing the required amenity space at a time when we have learned how vital amenity space is in a physically distanced world. Further, the required amenity space on lots less than 360 m<sup>2</sup> will be the same whether the building has 3 apartments or 8 apartments – just 35 m<sup>2</sup> total amenity area,

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<sup>4</sup> Submission on file

<sup>5</sup> Submission on file

<sup>6</sup> Submission on file

25 m<sup>2</sup> of that being usable space (the size of one parking spot for a car), with no requirement for trees. She asked that there be minimum per unit amenity requirements in all zones, whether through back yards, balconies or rooftops. She noted that approved development for Hintonburg and Mechanicsville means the area density will be doubling and she questioned the existence of an analysis for planned amenities and their timelines and the required infrastructure to support that growth.

- Emily Addison, member, Zoning Committee, Hintonburg Community Association<sup>7</sup>, suggested there is very weak direction to the Committee of Adjustment in the report, which says that everything can be varied as long as garbage can somehow be taken to the street, which in turn takes away any predictability for the community and puts them in a perpetual process of opposing minor variance applications, adding costs and delays to the process for everyone. She asked that staff be directed to provide strong direction to the Committee of Adjustment not to vary rear yard setbacks, which were increased in Infill II as a result of real impacts the reductions created. She noted that privacy will be very much reduced if there are 6 balconies looking into the yards of neighbours, especially without the requirement for trees, and that the tiny amount of greenspace or amenity area that could exist under this proposal will be even more at risk if the rear yard setbacks are reduced even further.
- Sheila Perry, Chair, Federation of Citizens' Associations, spoke to the importance of: predictability in zoning to support neighbourhoods; sustainability of heritage, character and environment; equity in density to support the 'missing middle', done right within neighbourhood context, to ensure affordability and accommodate families; good and balanced design; parking considerations; housing and amenity inventory . She indicated that close monitoring and review, as well individual neighbourhood solutions, will be crucial to get the desired transformation, and to ensure it does not load onto the Committee of Adjustment with debates, challenges, etc. for a lot of variances.

In addition to that previously noted, the following correspondence was provided to the committee coordinator between August 17 (the date the report was originally published to the City's website with the agenda for the August 27 Planning Committee meeting) and the time the matter was considered on September 10, a copy of which is held on

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<sup>7</sup> Submission on file

file:

- Email dated August 17 from Jeremy Silburt
- Email dated August 19 from River He (and response dated August 24 from Chair, Planning Committee)
- Email dated August 26 from Alexandra Stockwell
- Email dated September 5 from Diane Morin
- Email dated September 7 from Kevin Pickles & Nicky Brodie
- Email dated September 8 from Jason Burggraaf, Executive Director, Greater Ottawa Home Builders' Association
- Email dated September 8 from Anne Tokarew
- Email dated September 8 from Larry Moller
- Email dated September 9 from Angie Todesco
- Email dated September 9, transmitting submission from Richard Slowikowski, President, Old Ottawa South Community Association
- Email dated September 9 from Robert Brinker, Chair, Planning and Zoning Committee, Federation of Citizens' Associations of Ottawa
- Email dated September 9 from Heather Smith

**Motion N° PLC 2020-29/1**

Moved by Vice-chair G. Gower

**WHEREAS the R4 Zoning Review, Phase 2 report establishes new zoning standards for residential building typologies in the inner-urban R4 zones; and**

**WHEREAS several errors and opportunities for clarification have been discovered in the report after publication of the report on August 17, 2020; and**

**WHEREAS the report was issued with the report number ACS2020-PIE-EDP-0015 which was also the report number for the Fallowfield Bleeks Soil Study Results, which was approved by the Agricultural and Rural Affairs Committee on July 8,**

2020, and

WHEREAS these errors include a missing Exception and holding symbol on certain lands on one of the Lands Affected maps; and

WHEREAS these errors include a label and legend item omitted from another of the Lands Affected maps; and

WHEREAS these errors include a missing amendment to Table 137, needed to carry out the intent of replacing existing amenity area provisions with green space requirements suited to small-lot urban infill context; and

WHEREAS there is an opportunity to clarify the intent of street-facing balcony requirements by specifying that porches serve the same intent; and

WHEREAS these errors include a page inadvertently deleted from the report resulting in several rows governing stacked dwellings, low-rise apartment dwellings and Planned Unit Developments being deleted from the proposed R4-UD Zone standards; and

WHEREAS references to Endnote 10 in the proposed zoning tables were written in coordination with the concurrent review of Infill regulations; and

WHEREAS a change in scheduling of the Infill amendment makes these references to Endnote 10 premature;

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council to amend the report for the R4 Zoning Review, Phase 2 as follows:

1. Amend the report number to ACS2020-PIE-EDP-0016
2. Amend Document 2a of the report by replacing Map 58 with the attached Map 58;
3. Amend Document 2a of the report by replacing Map 67 with the attached Map 67;
4. Amend Document 2a by adding the following as Recommendation 3d:
  - "(3d) Amend Table 137, Column 1, Row 12 by adding the words ", other than the R4-UA, R4-UB, R4-UC and R4-UD zones," after the words "In any R1 to R4 zone."

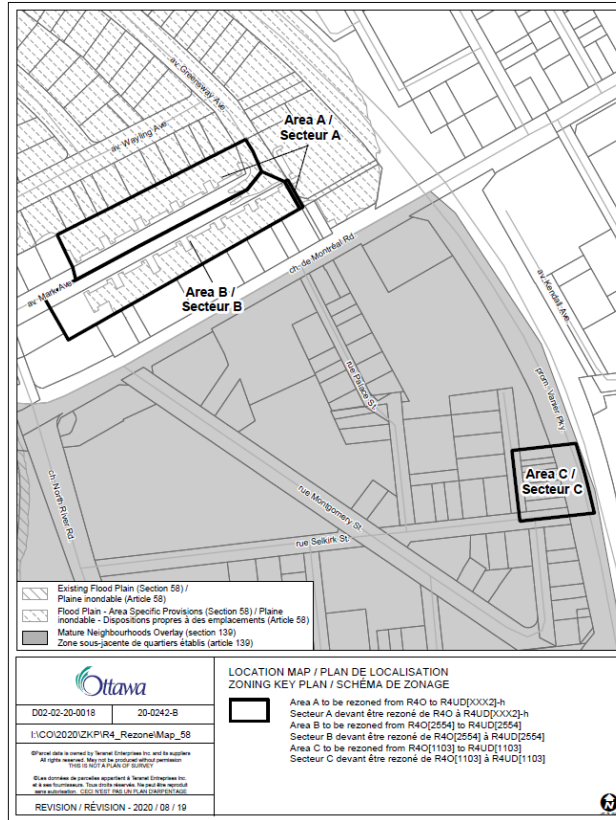
5. Amend Document 2a, Recommendation 5(j) by inserting the words "or porches" after the word "balconies" and by inserting the word "or porch" after every instance of the word "balcony."
6. Amend Document 2b by appending the following rows to the end of the table:

I	II	III	IV	V	VI	VII	VIII	IX	X	XI
Sub-Zone	Prohibited Uses	Principal Dwelling Types	Min. Lot Width (metres)	Min. Lot Area (m2)	Max. Building Height (metres)	Min. Front Yard Setback (metres)	Min. Corner Side Yard Setback (metres)	Min. Rear Yard Setback (metres)	Min. Interior Side Yard Setback (metres)	End-notes (see Table 162B)
R4-UD		Stacked	14	420	11	4.5	4.5	[Per Infill 2]	1.5	
R4-UD		Low-rise Apartment, maximum of 8 units	10	300	11	4.5	4.5	[Per Infill 2]	1.5	
R4-UD		Low-rise Apartment, 9 or more units	15	450	14.5	4.5	4.5	[Per Infill 2]	1.5	
R4-UD		PUD	NA	1,400	as per dwelling type	4.5	4.5	[Per Infill 2]	varies [1]	1,18

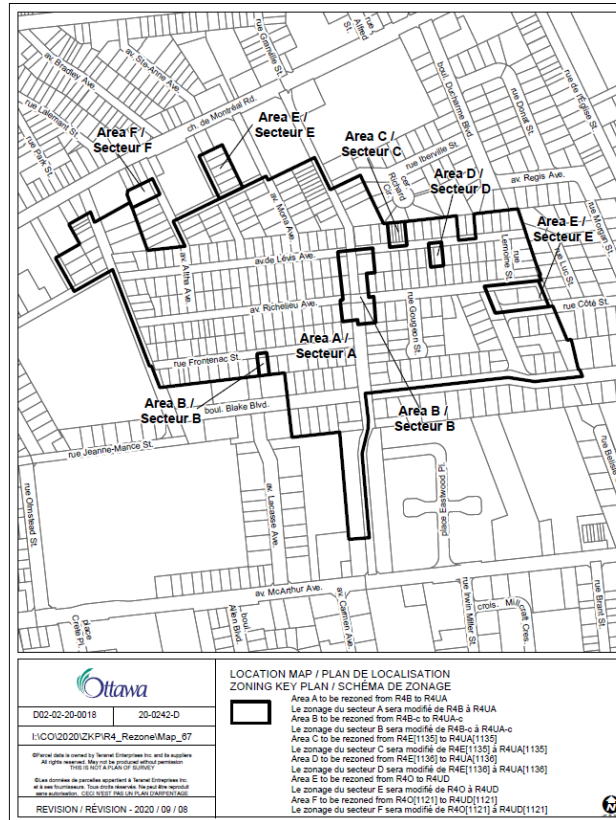
7. Amend Document 2b by replacing, in Column XI (Endnotes) of the zone standards tables, all references to Endnote 10 with Endnote 18.  
AND BE IT FURTHER RESOLVED that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.



Map 58



Map 67



CARRIED

Motion N° PLC 2020-29/2

Moved by Councillor Leiper (on behalf of Councillor M. Fleury)

**WHEREAS report ACS2020-PIE-EDP-0015 details the second phase of the R4 Zoning Review and recommends changes to enable the development of more infill low-rise apartment buildings and stacked dwellings in existing R4-zoned areas in the inner-urban wards; and**

**WHEREAS recommendations resulting from the R4 Zoning Review propose to allow rooftop amenity areas including rooftop patios and terraces in the R4 zone; and**

**WHEREAS the City of Ottawa Zoning By-law includes a requirement that multi-unit residential buildings not subject to containerized waste collection under the Solid Waste By-law be required to store waste within either an**

accessory building or within the main building; and

WHEREAS the Zoning By-law specifies that, within the Sandy Hill neighbourhood, such storage may occur within the main building only; and

WHEREAS recommendations resulting from the R4 Zoning Review removes the requirement for garbage storage to be located within the main building in Sandy Hill that was previously included in Phase 1 of the City's R4 Zoning Review; and

WHEREAS in Q1 2020, call volumes for Ward 12 were 24.5 per cent of the City's property standards calls, 17.6 per cent of the City's noise complaints calls, and 14.3 per cent of the City's zoning enforcement calls for service;

WHEREAS statistics in Sandy Hill as it relates to noise complaints and garbage have raised concerns about livability and impact;

THEREFORE BE IT RESOLVED THAT Planning Committee recommend to Council that Document 2ba<sup>8</sup> of the staff report ACS2020-PIE-EDP-0015 be amended by

1. deleting Recommendation (10)
2. by adding the following as (5)(X1)(o)
  - "(o) No rooftop amenity space is permitted within the area shown on Schedule 383."

AND BE IT FURTHER RESOLVED that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

CARRIED

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<sup>8</sup> A correction was made pursuant to the City Clerk and Solicitor's Delegated Authority to correct clerical, spelling, or minor errors of an administrative nature as set out in Schedule C, Subsection 35 of Delegation of Authority By-Law 2016- 369. The correction was made to the Document number in Motion No PLC 2020-29/2 to reflect that the motion was meant to refer to Document 2a.

**Motion N° PLC 2020-29/3**

Moved by Vice-Chair G. Gower (on behalf of Councillor M. Fleury)

**WHEREAS** report for the R4 Zoning Review, Phase 2 details the second phase of the R4 Zoning Review and recommends changes to enable the development of more infill low-rise apartment buildings and stacked dwellings in existing R4-zoned areas in the inner-urban wards; and

**WHEREAS** the recommendations include increasing the four-unit maximum, currently applicable to low-rise apartment dwellings in certain R4 subzones, with a maximum of eight or twelve units; and

**WHEREAS** the Sandy Hill community has expressed area specific concerns related to the effects of increasing these unit caps; and

**WHEREAS** the first Phase of R4 included restriction on the number of bedrooms permitted in a dwelling unit, in order to prohibit unreasonably large dwelling units designed to operate contrary to the intent of the Zoning By-law as de facto unlicensed rooming houses, known colloquially as "bunkhouses," and

**WHEREAS** Sandy Hill faces unique pressures due to its proximity to the University of Ottawa and there is interest in maintaining the existing four-unit-per-building cap along with the four-bedroom-per-unit cap established in 2018 through R4 Phase 1.

**THEREFORE BE IT RESOLVED THAT** Planning Committee recommend to Council that the staff report be amended as follows:

1. Amend Document 2ba<sup>9</sup> of by adding the following as (5)(X1)(p)
  - "(p) Within the R4-UA and R4-UB zones on Schedule 383, a low-rise apartment dwelling is restricted to a maximum of four units."

**AND BE IT FURTHER RESOLVED** that pursuant to the *Planning Act*,

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<sup>9</sup> A correction was made pursuant to the City Clerk and Solicitor's Delegated Authority to correct clerical, spelling, or minor errors of an administrative nature as set out in Schedule C, Subsection 35 of Delegation of Authority By-Law 2016- 369. The correction was made to the Document number in Motion No PLC 2020-29/3 to reflect that the motion was meant to refer to Document 2a.

**subsection 34(17) no further notice be given.**

LOST on a division of 2 yeas and 6 nays and, as follows:

YEAS (2): Councillors J. Leiper, S. Moffatt

NAYS (6): Councillor L. Dudas, T. Tierney, R. Brockington, A. Hubley,  
Vice-chair G. Gower, Chair J. Harder

The committee Carried the report recommendations as amended by motions 29/1 and 29/2, with the following Directions to staff:

- That staff be directed to examine the boundaries of the Sandy Hill Cultural Heritage Character Area and the seven Heritage Conservation Districts to determine whether the boundaries are appropriately protecting the heritage character of the area. The study should include consideration of built heritage from all periods of development in Sandy Hill.
- That staff be directed to review the need for a character study of Vanier after Council approval of the update to the Low Rise Design Guidelines, to determine the need for additional analysis.
- That staff be directed to:
  - (a) Work with all branches of the City and most particularly with staff responsible for the enforcement of property standards rules to uphold the Property Standards By-law to minimize the loss of rental housing, and strictly apply the rules concerning demolition control; and
  - (b) Ensure that all applicants for re-zonings, variances and building permits are made aware of affordable housing programs such as the CMHC's Rental Construction Financing program and encouraged strongly to participate in those if eligible.
  - (c) Explore through the Official Plan stronger protections for tenants who might be displaced due to demolitions or redevelopment