

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
10 November 2020 / 10 novembre 2020**

**and Council
et au Conseil
25 November 2020 / 25 novembre 2020**

**Submitted on 27 October 2020
Soumis le 27 octobre 2020**

**Submitted by
Soumis par:
Douglas James
Acting Director / Directeur par intérim
Planning Services / Services de la planification,
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: KITCHISSIPPI (15)

File Number: ACS2020-PIE-PS-0105

**SUBJECT: Zoning By-law Amendment – 433, 435 Churchill Avenue North, 468,
472 Byron Place**

**OBJET: Modification du Règlement de zonage – 433 et 435, avenue Churchill
Nord, et 468 et 472, place Byron**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 433 and 435 Churchill Avenue North, and 468**

and 472 Byron Place, to permit a six-storey mixed-use development, 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 November 25, 2020," subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification du Règlement de zonage (n° 2008-250) visant à permettre, aux 433 et 435, avenue Churchill Nord et aux 468 et 472, place Byron, la construction d'un bâtiment polyvalent de six étages, comme l'indique 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 25 novembre 2020 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Staff Recommend Approval

This report recommends that Council approve an amendment to Zoning By-law 2008-250 for 433, 435 Churchill Avenue North, and 468, 472 Byron Place. The amendments will facilitate the permission of a new mixed-use building containing approximately 70 dwelling units, and two ground floor commercial units oriented towards Churchill Avenue. The development is a six-storey building with the mass stepping down to five storeys through the middle of the building and four storeys along Highcroft Avenue.

The Zoning By-law amendment application seeks to rezone the property to a Residential Fifth Density (R5) zone to allow the six-storey building and site-specific provisions including the permission of non-residential uses. The current zoning is mixed with 468 (470) and 472 (474) Byron Place zoned Residential Third Density, Subzone R (R3R), which permits a range of low-rise residential from single-detached homes to three-unit dwellings with heights up to 10.7 metres. The properties at 433 and 435 Churchill Avenue North are currently zoned Local Commercial, Exception 772 (LC [772]), which permits a wide variety of non-residential and residential uses, with a height limit of 12.5 metres.

Applicable Policy

The proposed development is consistent with the Official Plan. The site is located within the General Urban Area designation, which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances. Residential intensification through infill will relate to the existing character to enhance desirable patterns and built form while also achieving a balance of housing types and tenures. Policy notes that building heights will continue to be predominantly low-rise (up to four storeys), and development will be evaluated against compatibility within the existing context and planned function of the area. Taller buildings may be considered for sites that are in an area already characterised by taller buildings.

Policy Section 2.2.2, 2.51 and 4.11 also apply and provides direction for managing intensification, and urban design and compatibility such as building mass, scale and transition.

The proposal meets the General Urban Area designation and the applicable policies as the planned function of the area is characterized by taller buildings, and the proposed development demonstrates compatibility using appropriate setbacks and built form transition to low-rise as the development approach Highcroft Avenue.

Public Consultation / Input

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

During the application review process two community information sessions were held; June 4, 2019 and June 29, 2020. These meetings allowed an opportunity for the proposal details to be presented, including revisions from previous versions, and both incorporated a question and answer period with members of the public.

During application review approximately 150 individuals/groups commented on the proposed development. Vast majority of the comments expressed opposition to the

proposal and flagged concerns such as building height, traffic, parking and access, land use and affordable, and landscaping. A few comments were submitted in support of the proposal noting appreciation for the urban parkette concepts.

RÉSUMÉ

Approbation recommandée par le personnel

Dans le présent rapport, le personnel recommande au Conseil d'approuver une demande de modification du Règlement de zonage (no 2008-250) visant les 433 et 435, avenue Churchill Nord et les 468 et 472, place Byron. Cette modification permettra la construction d'un nouveau bâtiment polyvalent qui comptera environ 70 logements et deux espaces commerciaux au rez-de-chaussée orientés vers l'avenue Churchill Nord. Le bâtiment sera constitué d'une masse de six étages, qui passera à cinq en son milieu puis à quatre le long de l'avenue Highcroft.

La demande de modification du Règlement de zonage vise à faire passer le zonage de la propriété à un zonage résidentiel de densité 5 (R5), afin qu'y soit permise la construction du bâtiment de six étages projeté et que s'y appliquent des dispositions propres au site, comme l'autorisation d'exploiter des utilisations non résidentielles. Le zonage actuel combine celui des 468 (470) et 472 (474), place Byron, adresses situées en zone résidentielle de densité 3, sous-zone R (R3R), où peuvent être construits certains bâtiments résidentiels de faible hauteur (jusqu'à 10,7 mètres), allant des habitations isolées aux triplex, et celui des 433 et 435, avenue Churchill, adresses situées en zone de commerces locaux, exception 772 (LC [772]), où sont autorisées une vaste gamme d'utilisations résidentielles et non résidentielles d'une hauteur maximale de 12,5 mètres.

Politiques applicables

Le projet proposé est conforme au Plan officiel. Le site visé se trouve dans le secteur urbain général, où peuvent être aménagées tout un éventail d'habitations répondant aux besoins des gens, quels que soient leur âge, leur revenu et leur situation. Les projets d'aménagement intercalaire qui servent la densification résidentielle doivent s'harmoniser au caractère du secteur de façon à rehausser les modèles et les formes bâties désirables tout en assurant un équilibre entre les différents types d'habitations et d'occupations. Selon la politique applicable, la hauteur de bâtiment prédominante doit rester faible (maximum de quatre étages), et le projet doit être évalué en fonction de sa compatibilité avec le contexte du secteur et sa fonction prévue. L'aménagement de bâtiments plus élevés peut être envisagé s'il y a déjà de tels bâtiments dans le secteur.

S'appliquent également les politiques 2.2.2, 2.5.1 et 4.11, qui traitent de la gestion de la densification ainsi que de la conception urbaine et de la compatibilité, notamment la volumétrie, l'échelle et la transition.

Le projet soumis cadre avec la désignation de secteur urbain général et respecte les politiques applicables, puisque la fonction prévue du secteur est caractérisée par des bâtiments de plus grande hauteur. De plus, les retraits et la transition de la forme bâtie vers des hauteurs plus faibles à mesure que l'on s'approche de l'avenue Highcroft assurent la compatibilité du projet avec le secteur.

Consultations publiques / commentaires

Un avis a été donné et une consultation publique a eu lieu, conformément à la Politique d'avis et de consultation publique approuvée par le Conseil pour les demandes d'aménagement.

Pendant le processus d'examen de la demande, il y a eu deux séances d'information communautaires : la première a eu lieu le 4 juin 2019, et la deuxième, le 29 juin 2020. Ces deux séances ont donné au public l'occasion de prendre connaissance des détails du projet et des changements qui y ont été apportés au fil du processus, et de poser leurs questions.

En tout, ils ont été environ 150 personnes et groupes à donner leur avis. La grande majorité des commentaires fournis étaient défavorables au projet pour diverses raisons (hauteur du bâtiment, circulation, stationnement et accès, utilisation du sol et abordabilité, aménagement paysager). Il y a également eu quelques commentaires favorables, notamment en ce qui a trait à l'inclusion de miniparcs urbains.

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

433 and 435 Churchill Avenue North, 468 and 472 Byron Place.

Owner

2592532 Ontario Inc

Applicant

Novatech (Serene Shahzadeh, Murray Chown)

Architect

Chmiel Architects Incorporated

Description of site and surroundings

The site is located on the south side of Byron Place between Churchill Avenue North and Highcroft Avenue, with frontage on all three streets. The site is approximately 1900 square metres in size, with 30.7 metres of frontage on Churchill Avenue North, 60.8 metres of frontage on Byron Place and 31.9 metres of frontage on Highcroft Avenue.

Currently, the site consists of a low-rise apartment building and automobile sales centre facing Churchill Avenue North and low-rise residential buildings fronting Byron Place. To the north is the Byron Linear Park, low-rise residential, and the Richmond Road Traditional Mainstreet corridor beyond. West of the site includes a mix of low-rise commercial, institutional and residential uses along Churchill Avenue, and predominantly low-rise residential uses further west. Immediately south of the site along Churchill Avenue are a mix of local commercial uses, with predominantly low-rise residential uses further south and east.

Summary of requested Zoning By-law amendment proposal

The proposed development is a mixed-use building containing approximately 70 dwelling units, and two ground floor commercial units oriented towards Churchill Avenue. The development is a six-storey building with the mass stepping down to five-storeys through the middle of the building and four-storeys along Highcroft Avenue. An underground garage accessed from Highcroft Avenue provides 47 parking spaces (41 residential, six visitor) and the design also incorporates an indoor bicycle room at-grade accessed from Highcroft Avenue with 14 spaces and additional bicycle parking in the garage for a total of 56 spaces. The design also incorporates an outdoor rooftop amenity area atop the sixth floor.

The consolidation of lots has a mixed of current zoning. The properties at 468 (470) and 472 (474) Byron Place are currently zoned Residential Third Density, Subzone R (R3R), which permits a range of low-rise residential from single-detached homes to three-unit dwellings with heights up to 10.7 metres. The properties at 433 and 435 Churchill Avenue North are currently zoned Local Commercial, Exception 772 (LC [772]), which

permits a wide variety of non-residential and residential uses, with a height limit of 12.5 metres.

The Zoning By-law amendment application seeks to rezone the property to a Residential Fifth Density (R5) zone to allow the six-storey building and site-specific provisions including the permission of non-residential uses. Details of the rezoning generally includes the following:

- Rezone the property to Residential Fifth Density Zone, Subzone B (R5B), with a new Urban Exception [xxxx], Schedule 'SYYY', and holding symbol (-h).
- Urban Exception [xxxx] includes provisions addressing the following:
 - Minimum required yard setbacks and maximum permitted building heights are subject to the new Schedule 'SYYY'.
 - Permit a minimum per centage of landscape area at 17.5 per cent, whereas a minimum of 30 per cent is required.
 - To restrict the location of any communal outdoor roof-top amenity area to above the sixth floor only.
 - Prohibit balconies at the "rear" of the development and require terraces to be setback a minimum of 1.0 metres.
 - To permit a washroom within the roof-top access and mechanical penthouse level as a permitted projection above the height limit.
 - To permit non-residential residential uses in accordance with the Local Commercial Zone, Subzone 1 (LC1), which permits a variety of local servicing commercial uses and limits the size and location.
- Add a holding symbol (-h) with a provision for securing a strategy for the partial closure of Byron Place and enhancement of the public space generally located at the southeast corner of Churchill Avenue and Byron Place, which must be satisfied through Site Plan Control approval prior the symbol be lifted.
- Schedule 'YYY', as shown in Document 3, regulates minimum yard setbacks and maximum building height.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public

Notification and Consultation Policy approved by Council for development applications.

During the application review process two community information sessions were held; June 4, 2019 and June 29, 2020. These meetings allowed an opportunity for the proposal details to be presented, including revisions from previous versions, and both incorporated a question and answer period with members of the public.

During application review approximately 150 individuals/groups commented on the proposed development. Vast majority of the comments expressed opposition to the proposal and flagged concerns such as building height, traffic, parking and access, land use and affordable, and landscaping. A few comments were submitted in support of the proposal noting appreciation for the urban parkette concepts.

For this proposal's consultation details, see Document 5 of this report.

Official Plan designations

According to schedule B of the Official Plan, the property is designated as General Urban Area.

Section 3.6.1 – General Urban Area

This designation permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances. Residential intensification through infill will relate to the existing character to enhance desirable patterns and built form while also achieving a balance of housing types and tenures.

Other applicable policies and guidelines

Highlight Section 2.2.2 – Managing Intensification Within the Urban Area

This section directs where growth will occur within Ottawa. Policies support the opportunity for compatible intensification within the General Urban Area and where it will enhance and complement its desirable characteristics and long-term renewal. New developments will be designed to complement the area's desirable character reflected in the pattern of built form and open spaces. The character of a community may be expressed in its built environment and features such as building height, massing, the setback of buildings from the property line, the use and treatment of lands abutting the front lot line, amenity area landscaped rear yards, and the location of parking and vehicular access to individual properties.

Section 2.5.1 – Designing Ottawa

Tools and design objectives for new development are provided in Section 2.5.1 to guide

compatibility and a high quality of design. These design objectives include enhancing the sense of community; defining quality public and private spaces through development; ensuring that new development respects the character of existing areas; and considering the adaptability and diversity of places that can adapt and evolve easily over time, maximize energy efficiency and sustainability.

Section 4.11 – Urban Design and Compatibility

New development is reviewed and evaluated using the policies of Section 4.11, which address urban design and compatibility through policies focused on themes such as building design, massing and scale, and outdoor amenity areas.

Planning rationale

Official Plan Policies

The site is located within the General Urban Area (3.6.1) designation. Policy notes that building heights will continue to be predominantly low-rise (up to four storeys), and development will be evaluated against compatibility within the existing context and planned function of the area. Taller buildings may be considered for sites that are in an area already characterised by taller buildings.

The site is situated at the intersection of Churchill Avenue and Byron Place, where the existing context and planned function differ considerably, and offers of a mix of permitted uses and building heights. Within the immediate vicinity, permitted building heights range from 24.5 metres, 12.5 metres, 15 metres, and 16 metres, generally moving from northwest of the subject site to south of the site. The portion of the proposed development at six storeys (19.5 metres) is oriented towards the Churchill Avenue frontage and is consistent with the heights characterized in the area including an appropriate transition between the permitted heights 24.5 metres and 15 metres across the street. This context compared to the balance of the residential neighbourhood to the east and south is unique and contributes to the proposal transitioning to a low-rise built form (four storeys) as the development extends towards Highcroft Avenue.

Furthermore, the General Urban Area, in Policy 8, encourages the provision for a variety of small, locally oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas. The properties at 433 and 435 Churchill Avenue are already located within a Local Commercial zone, and the recommended zoning aims to maintain the permission for local commercial uses, which are limited in size, on the ground floor and oriented towards Churchill Avenue in a consistent manner with this policy.

Compared to existing zoning, the recommended zoning reduces the non-residential use provisions through the type of uses permitted and size.

In accordance with Sections 2.5.1 and 4.11, the proposed development encourages the redevelopment of an underutilized lot (consolidated) and replaces an automobile service station with a mixed-use development that responds to the existing character and planned function. The development parcel is a large lot with three street frontages, and it was important that the proposal appropriately responded to the surrounding context. The tallest part of the building (six storeys) is concentrated towards Churchill Avenue in a manner consistent with the General Urban Area policies, incorporating stepbacks after the fourth and fifth storeys providing street level transition. To the east and south of the site is an established residential area in an R3 zone, which permits building heights up to 10.7 metres. It was important that this development transition to a low-rise built form (up to four storeys) as the building approached the Highcroft Avenue side of the development. To achieve transition into the residential neighbourhood the setbacks along Highcroft Avenue and back of the development are consistent with the existing character of open spaces and setbacks. Furthermore, the fifth storey stepback in a manner reducing its visibility from Highcroft Avenue street level, and the built form reducing to four storeys is an appropriate transition into an otherwise low-rise residential neighbourhood.

Additionally, in accordance with Section 4.11, the proposed development incorporates street-level animation with active entrances oriented towards the street, and the building height, massing and scale is consistent with the planned function along Churchill Avenue and transitions to low-rise through the use of building stepbacks and architecturally breaking down the mass. These urban design moves are in response to the existing and planned context of the abutting “R3” neighbourhood.

The proposed development will result in partial removal of the paved road along Byron Place, at the applicant/owner’s expense, with the intent to repurpose this area into a public space with more landscaping and streetscaping. These details have yet to be determined and are the subject matter of the holding symbol, but the overall objective is to enhance the overall landscaping and public function of this area.

The proposed development conforms with the Official Plan.

Westboro Infill Zoning Study

A City-initiated Zoning By-law amendment resulting from the Westboro Infill Zoning Study was on circulation for comment at the time of writing this report. The site is part of this study and generally recommends R4/four-storey zoning for Churchill Avenue, but the following description also applies: “It should be noted that on corner lot sites along

Churchill Avenue, additional height to a mid-rise category of land use over and above what is proposed through this amendment may be appropriate subject to site-specific review with respect to context and design, and use of appropriate transitional elements in roofline and articulation.”

The proposed development was reviewed through a site-specific zoning application, resulting in six-storeys oriented towards Churchill Avenue and transitioning to four-storeys toward Highcroft Avenue. While the balance of Byron within the Westboro Infill Zoning Study is recommended for an “R4” zoning (four-storeys), this approach in transition on the proposed development appears to be consistent with this direction.

As detailed in Document 2, the proposed Zoning By-law amendment will rezone the site to an R5B zone with a site-specific Urban Exception [xxxx], new Schedule ‘SYYY’ and holding symbol (-h) for various performance standards. The following summarizes the planning rationale for the amendments.

- The proposed building provides a mix of dwelling units and local commercial uses in a manner consistent with the General Urban Area designation, and results in intensification in a location with excellent access to services, amenities and public transition, including rapid transit stations within walking distance.
- The permitted non-residential uses will be limited to those found within the LC1 zone, and subject to the LC1 provisions. This is consistent with the Official Plan and majority of the Local Commercial zones within the urban area.
- The building mass, height and scale appropriately respond to the surrounding planned function and existing context by concentrating the tallest part of the building (six storeys) towards Churchill Avenue and reducing the mass to a low-rise built form along Highcroft Avenue.
- The proposed setbacks, subject to Schedule ‘YYY’, provide a consistent setback along Churchill and Highcroft Avenues to align with the existing setbacks established along these street frontages. The proposed development creates a strong urban edge along Byron Place and a zero lot-line condition along this frontage will work well with the new sidewalk, landscaping in the right of way, and public enhancement of the repurposed Byron Place. The building will serve as framing to this public space and separate the form from the balance of the residential area.

Furthermore, the existing zoning (R3R) permits three-unit dwellings and contains a provision for corner lots that would allow a portion of such a building, 10.7 metres in height, to have a rear yard setback of 1.2 metres, with the balance

setback 30 per cent of the lot depth. By comparison, the proposed building along Highcroft Avenue places the four-storey portion at 2.4 metres, and the fifth storey is setback 9.2 metres from this lot line. This approach of built form transition is compatible with the existing and planned function.

- The reduced landscape area works well with this site, which presents an opportunity for an urban development at the junction of varying contexts between an established residential area, and mixed-use intersection. Furthermore, the lot consolidation and development allow for the partial removal of Byron Place with the ability to replace the asphalted street with additional soft and hard landscaping contributing to the overall public realm and landscaping within and around the site.
- During public consultation, there were several concerns expressed about the location of the outdoor amenity area. As a result, the applicant placed this area atop the sixth storey, as opposed to a previous version that was on top of the fifth storey closer to Highcroft Avenue. The recommendations of this report restrict the location of the outdoor amenity area to above the sixth floor to provide certainty in that regard. The final design of this space and roof-top access will be detailed through Site Plan Control.
- The design of the roof-top access to the communal outdoor amenity area above the sixth storey will include a washroom. Inclusion of this facility will not add to the overall mass of the building and can be incorporated within the mechanical penthouse level. A provision will be added to zoning detail to permit the washroom as projection above the height limit.
- The use of a holding symbol is an appropriate tool to secure details that cannot otherwise form part of the zoning approval. In this instance, staff want assurance that the intended public enhancement along the Byron Place frontage of this development is secured and delivered through conditions within the Site Plan Control approval. Lifting of the holding symbol will not occur until a Site Plan Control agreement has been registered confirming such details.

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 this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Jeff Leiper provided the following comments:

“This re-zoning application has been particularly vexing for residents and I, and staff's recommendation that it be approved is disheartening. I have to oppose this application when, with some hard compromise, I should be supporting a building designed to provide intensification at a sensitive scale.

As Members will note, the proposal has two dominant faces. The first is on Churchill Avenue, one of our ward's key transportation corridors that contains a mix of residential and commercial buildings. It will almost certainly be identified as a corridor that can sustain greater intensification in our next Official Plan. It is in relatively close proximity to Westboro transit station, and well-served by buses. It is in very close proximity to the shops and services of Westboro's Richmond Road including groceries, gyms, coffee shops, parks and other urban amenities. It is in very close proximity to safe cycling infrastructure that connects to the city's key east-west spine. There are very few places in the city that offer such a clear opportunity to live car-free.

On the Churchill face, the building is proposed to be six storeys. While this is controversial, I cannot oppose it. We have declared twin and related housing and climate emergencies. Mid-rise heights on emerging mainstreets such as Churchill will be, and should be, the norm as the city grows.

The other key face to this building is on Highcroft Avenue. There is no question that Highcroft should continue to be a street of low-rise housing. It is not an "edge" or transition zone - it is part of the interior of the neighbourhood that, as we near the conclusion of the process of studying the interim control by-law, is intended to remain interior to the neighbourhood.

There is, and will be, significant intensification opportunity even within the interior of Westboro's neighbourhoods - but at a low-rise scale. While the homes on Highcroft are generally two storeys, I recognize that the direction the City is taking would allow a greater variety of three-storey homes in Westboro's interior (with significant mitigations to preserve walkability, tree canopy and other quality-of-life considerations).

This proposal's blunt five-storey read on Highcroft perpetuates the worst aspects of infill in our city, and I am disappointed that staff are willing to recommend its approval. There is no little effort in this all-or-nothing approach to stitch low-rise Highcroft with mid-rise Churchill in a sensitive way.

I will be asking colleagues to support me in reducing by a small amount the density in this building so that it transitions from two-storey Highcroft to a four-storey read before

moving to a full six storeys. Highcroft residents are willing to accept four storeys on the immediate face of Highcroft - a significant change from the status quo - stepped back by a meaningful amount at the fifth storey. Even with that stepback, this will be a major change and increase in density on the street. We all know that this is coming across the City. My hope, however, is that the City in its thrust to intensify will not lose sight of our commitment to good urban design.

The third Big Move committed to by Council in crafting our new Official Plan is to "improve our sophistication in urban and community design, and put this knowledge to the service of good urbanism at all scales, from the largest to the very small." We don't have to wait to demonstrate to the developers who are changing our established communities that we are serious about that. Intensification will move ahead, but let's be willing to put parameters on that to the benefit of all stakeholders."

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 a three day hearing will result. 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 this report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report. However, as a result of the proposed development there is an intent to close or repurpose a portion of Byron Place along the frontage of the subject site for the purpose of providing an enhance public space or parkette. These details will be confirmed through the Road Modification and Site Plan application processes.

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

The new building is required to meet the accessibility criteria contained within the Ontario Building Code. Based on current Site Plan review, the development demonstrates that the proposed building is accessible, including common entrances, corridors and amenity areas. Staff have no concerns about accessibility.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0037) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to a number of revisions and on-going discussions between the applicant and some members of the community.

SUPPORTING DOCUMENTATION

Document 1	Location Map
Document 2	Details of Recommended Zoning
Document 3	Schedule YYY
Document 4	Development Concept Images
Document 5	Consultation Details

CONCLUSION

The proposed development introduces intensification through a new mid-rise building with a mix of unit types and ground floor commercial units in a manner which conforms to the Official Plan. The building has been designed in response the built form, mass and scale of the existing character and planned function of the area. Compatibility has been achieved through maintaining desirable setbacks and incorporating transition. The development supports local commercial uses and offers a variety of unit types and housing choices. The Zoning By-law amendment is recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk, Council and Committee Services to notify the owner; applicant; 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

For an interactive Zoning map of Ottawa visit geoOttawa.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE SITE PLAN / PLAN DE EMPLACEMENT	
D02-02-19-0037 D07-12-19-0059	20-0897-L	433, 435 av. Churchill Ave. North/nord 468, 472 place Byron Pl.	
I:\CO\2020\ZKP\Churchill_433		Area A to be rezoned from LC[772] to R5B[XXXX] SYYY-h Le zonage du secteur A sera modifié de LC[772] à R5B[XXXX] SYYY-h Area B to be rezoned from R3R to R5B[XXXX] SYYY-h Le zonage du secteur B sera modifié de R3R à R5B[XXXX] SYYY-h	
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REVISION / RÉVISION - 2020 / 10 / 08			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 433, 435 Churchill Avenue North and 468, 472 Byron Place are as follows:

1. Rezone the lands as shown in Document 1, as follows:
 - a. Rezone 433 and 435 Churchill Avenue North (Area A) from LC[772] to R5B [xxxx] SYYY -h
 - b. Rezone 468 and 472 Byron Place (Area B) from R3R to R5B [xxxx] SYYY -h
2. Amend Part 17, Schedules, by adding a new Schedule 'YYY', as shown in Document 3.
3. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect as follows:
 - a. In Column II, add the text "R5B [xxxx] SYYY -h".
 - b. In Column III, add the following as additionally permitted uses:
 - animal care establishment
 - artist studio
 - bank
 - bank machine
 - community health and resource centre
 - convenience store
 - day care
 - instructional facility
 - library
 - medical facility
 - personal brewing facility
 - personal service business
 - post office
 - restaurant

retail food store

retail store

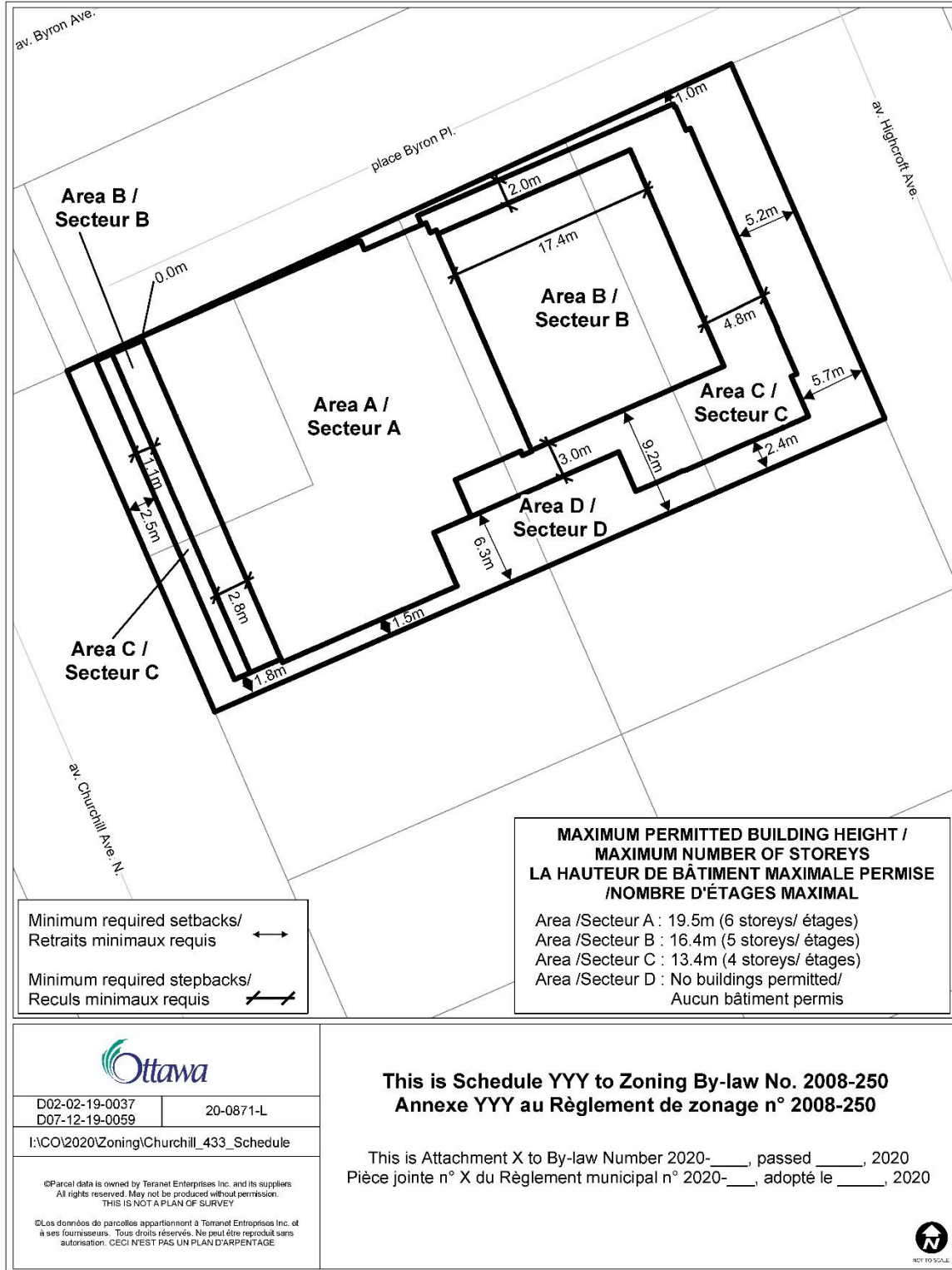
service and repair shop

urban agriculture

- c. In Column V, include provisions similar in effect to the following:
- i. Maximum permitted building heights, minimum setbacks and minimum stepbacks are as per Schedule YYY.
 - ii. At least 17.5 per cent of the lot area must be provided as landscaped area.
 - iii. A communal outdoor roof-top amenity area is only permitted on the roof atop the sixth storey.
 - iv. A single occupancy washroom is permitted as a projection above the height limit provided it is located within the roof-top access and mechanical penthouse level above the sixth floor.
 - v. Balcony projections are prohibited within the interior yard and/or interior side yard, where facing an abutting residential zone along the southern property line.
 - vi. Outdoor roof-top terraces must be setback at least 1.0 metre from the outer edge of the storey below.
 - vii. Non-residential uses listed in Column III are subject to the following provisions:
 - Each single occupancy must not exceed 300 square metres of gross floor area; and
 - Must be located on the ground floor only, and have an active entrance facing Churchill Avenue North.
 - viii. The holding symbol may not be lifted until:
 - A Site Plan application is approved, including the registration of an agreement pursuant to Section 41 of the *Planning Act*, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development, and

- The owner, in consultation with the community, Ward Councillor and City, will develop a concept for the enhancement of the existing public space along the Byron Place frontage; such consultation to be completed within six months of the zoning coming into full force and effect, and
 - Subject to agreement on a concept plan as set out in 2 above, demonstration of an implementation strategy through conditions of approval and/or details on approved plans, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department and the General Manager of Recreation, Cultural and Facility Services.
- ix. Land uses legally existing prior to the date of Council approval are not subject to the holding symbol.

Document 3 – Schedule YYY



Document 4 – Development Concept Images

View from Highcroft Avenue



View from Byron Place



View from Churchill Avenue



Document 5 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

During the application review process two community information sessions were held; June 4, 2019 and June 29, 2020. These meetings allowed an opportunity for the proposal details to be presented, including revisions from previous versions, and both incorporated a question and answer period with members of the public.

During application review approximately 150 individuals/groups commented on the proposed development. Vast majority of the comments expressed opposition to the proposal and flagged concerns such as building height, traffic, parking and access, land use and affordable, and landscaping. A few comments were submitted in support of the proposal noting appreciation for the urban parkette concepts.

PUBLIC COMMENTS AND RESPONSES

The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

Building Height, Density and Setbacks

Comment summary

- Rezoning to an “R5” from an “R3” is a dramatic departure for the neighbourhood.
- Many comments submitted concerning the overall height and mass, and not fitting with the existing context.
- Development should respect character and be three or four storeys at most.
- Overlook and privacy issues into neighbouring rear yards.
- Change of abutting yard along Highcroft Avenue side from original 6.0 metres to 2.4 metres results in a greater impact to neighbouring properties and provides more overlook issues.
- The development is not compatible and does not fit within the existing context. Most surrounding building are two-three storeys.
- Shadowing issues on surrounding properties and loss of sunset views.

Response:

The proposed development, although rezoning to an “R5”, responds to the existing and planned function of the unique site context. This is further elaborated in the staff report, but the site is situated at a junction between the existing stable residential neighbourhood and mixed-use corridor at Churchill Avenue and Byron Place. This factored into the proposed building design, including height, mass and scale with setbacks and built form transition that responds to the surrounding context.

Traffic, Parking and Garage Access

Comment summary

- Many comments were submitted suggesting this development provides too much parking, and other comments suggest that not enough parking is provided.
- Inadequate provision of parking will result in spillover parking on the street.
- The location of the garage access to the mixed-use development on Highcroft Avenue is contrary to the Official Plan policy that states that redevelopment should not result in adverse traffic impacts to local roads.
- Significant concerns about the garage access being located on Highcroft Avenue and not Byron Place.
- Highcroft Avenue access will result in excess traffic being rerouted through the low-rise residential community.
- There should be an enhanced island design and signage should be incorporated in the proposal to minimize traffic moving through the low-rise community and to prohibit right-hand turns out of the building onto Highcroft Avenue.
- Additional traffic and safety concerns, especially relating to children and proximity to Churchill School.
- Install a barricade on the road so cars could only access the parking garage from Byron.

Response:

A Transportation Impact Assessment was submitted in support of the application, and for the purpose of rezoning staff have no transportation concerns. While it is acknowledged that traffic volumes will increase as a result of the proposed development, the additional volumes fall within the allotted capacity of the local road

network. The vehicular traffic anticipated from the proposed development is expected to have a negligible impact, and pedestrians, cyclist and transit users will have excellent connectivity and access.

Through Site Plan Control, further updates to the Transportation Study may be required to ensure the final report is complete in accordance with the Transportation Impact Assessment Guidelines, but given the review to date, there are no major issues that would affect the recommended rezoning.

The parking provided complies with the Zoning By-law requirements, and the development has been designed to provide additional bicycle parking and the site is located where there are desirable alternatives to the private auto mobile. There is a logically assumption that user trips will vary between different modes of transportation.

Staff, including Transportation, accept the garage access being located on Highcroft Avenue as the design and location is a safe option and is consistent with placing such an access on the most local road available. The design of the Highcroft Avenue/Byron Place intersection and traffic calming planting remain subject to Road Modification review and approval and will be incorporated into the Site Plan application for approval.

Keep Residential and Affordable Housing

Comment summary

- Several comments submitted concerned about permitting commercial uses, and that the development should remain residential.
- Byron place is not zoned for retail. Retail should not be allowed as it impacts the community in terms of noise and traffic.
- Additional comments about keeping it residential and within current rules such as developing semi-detached, townhomes or triplexes.
- Development should include affordable housing and be designed to attract a variety of tenants, including families.
- Concerned about the building resulting in AirBnB type operations.

Response:

As detailed in the staff report, the Churchill Avenue addressed properties are already located within a Local Commercial zone, and one that permits a greater variety of non-residential uses and size than was in proposed for permissions within this amendment. Local Commercial uses on this site are consistent with the General Urban

Area designation and will be oriented towards Churchill Avenue as the appropriate frontage for these uses while the balance of the development is residential.

The applicant advises that the proposed development will be a rental building. Rental buildings do offer a means of an affordable housing option in the general sense, but this development is otherwise not required to provide affordable housing. Rental rates will be dictated by the market, which goes beyond the purview of a planning application.

AirBnB type uses are not permitted within a Residential Zone.

Landscaping and “Urban Parkette”

Comment Summary

- Concerns about tree preservation, loss of mature trees, and insufficient amount of greenspace.
- Some comments were submitted in support of the “urban parkette” concepts for repurposing a portion of Byron Place, while others expressed concern that the community should be meaningfully consulted in the planning of the space and that this planning be incorporated into the Site Plan. It is recommended that this be done prior to any rezoning of the site and not left for the site plan process, to ensure adequate consultation and that sufficient green, amenity space is included in the rezoning.

Response:

With the development of this site, staff view the partial removal of the asphalted surface Byron Place being replaced by a public space that could function as an urban parkette as positive endeavour. Replacing this hard surface with a new landscaping design, including soft and hard surfaces will be an inviting space and compliment the existing landscaping and public space at the corner of Churchill Avenue and Byron Place. A holding symbol (-h) has been placed on the zoning to ensure that these details are confirmed through the Site Plan application.

Other Concerns

Comment Summary

- School capacity with all the infill and intensification.
- Concerns about blasting during construction and impact on existing homes.
- Concerns about the aging infrastructure and ability for increased capacity.

- Waste collection should be internalized, and some concerns about pick-up on Churchill Avenue causing traffic delays.
- Noise concerns from HVAC system.

Response:

The planning application were circulated to local school board for comment and awareness of the residential intensification. No schools expressed a concern about capacity. Furthermore, the developer will be paying development charges at the time of building permit issuance and these fees include collections for school boards.

The Site Plan application will contain standard conditions for blasting activity, including pre-blast surveys of neighbouring properties. Blasting activity is strictly regulated and will be monitored during construction. Similarly, the application required a site servicing study and staff have no concerns regarding the infrastructure capacity of vintage.

Waste collection has been internalized to the building is a proper room that has been designed to meet City of Ottawa waste collection guidelines. Waste Services accepts the design and collection from Churchill Avenue.

Stationary Noise sources must be designed to satisfy the Noise guidelines and Noise By-law.

Community Organization Comments and Responses

At the time of writing this report no comments were submitted from a registered community group.