

## **Summary of Written and Oral Submissions: Zoning By-Law Amendment, 348 and 350 Winona Avenue**

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

### **Number of delegations/submissions**

Number of delegations at Planning Committee: 2

Number of written submissions received by Planning Committee and Council between April 15 and May 8, 2019 : 1

### **Primary concerns, by individual Gary Ludington, Westboro Community Association (oral submission)**

- raised concerns about process, noting the Association and many neighbours already submitted comments to the Committee of Adjustment when the developer originally applied for the triplex, and now another zoning request has been submitted, compelling a repeat of the process for the Association at Planning Committee
- concerns about how often this complicated, two-stage process is occurring in Westboro and wondered whether there is a better way to treat these applications prior to construction, if staff could ask from the outset whether the building will eventually become a four-unit low-rise, rather than a triplex; noted that neighbours of this building have noticed there were five hydro meters added when the proposed triplex was built
- raised concerns about the lack of investment for amenity space, suggesting the parks in the vicinity are small children's parks
- concerns about lack of parking and requested regular By-law Services patrol of the neighbourhood for parking rules enforcement

### **Oliver Van Audenhaege (written submission)**

(note: these comments were submitted in advance of report publication and relate to information available at the time on the City's Development Application Search Tool page)

- the City owes a duty of care to protect the spaces that are allocated, under the bylaw, to the prospective tenants of these triplex and fourplex

buildings, as these future tenants are not present to voice their concerns for the Site Plan Control process

- legalities concerning the Committee of Adjustment (CoA) decision should be raised in the staff report to Committee and Council in respect of the proposed zoning by-law amendment, including:
  - clarification about whether the Minor Variance and Severance (Consent) applications are tied because of the wording in the CoA Minor Variance decision
  - whether Council has the authority, if the application for “consent” is subject to the buildings being limited to 3 units, to approve the site plan control process and the impact of application approval on the Consent application
  - the rationale for arguing that the approval of buildings, presented to and approved the CoA as triplexes, is now an indication “that the project meets the general intent and purpose of the Official Plan and Zoning By-law” and directly or indirectly supports the case for their conversion to a fourplex
- was not pleased that information originally provided by the applicant on the signed affidavit is what the City accepted and used to process the site plan control request; suggested the affidavit process cannot be put in jeopardy by allowing the developer to submit information that is not part of the original application
- the site survey, required for all site plan control applications, does not appear in the lists of documents associated with the application on the City’s website; in absence of such, the site plan control process would need to be restarted from the beginning with an up to date survey showing all the current features on the property, and the City needs to first confirm whether the builder was able to respect the required building height in related to the Existing Average Grade before any Site Plan Control process is completed
- Zoning Bylaw Table 162B, Note 3, in respect of Interior Side Yard Setback refers to ‘building wall’, whereas the Planning Rationale provided refers to ‘building height’; the Zoning By-law requires the entire height of the wall be measured (from footings to under the roof trusses):

- it is imperative to have ‘as built’ wall height included in the information submitted for site plan control, and that information should be provided or verified by a surveyor
  - the elevations provided would indicate that each of the 4 interior side yards, “for any part of a building located within 21 metres of a front lot line”, should be 2.5 meters, not the 1.5 meters listed in the Planning Rationale
- landscape plan – interior side yards:
  - an updated grade and services plan would be required that would show the planned surfaces and drainage plans for the side yards in order to ensure that water is managed correctly and does not migrate to neighbouring properties or the planned retaining wall
  - an updated landscape plan would be required to show the planned landscaping based on the updated Grade and Services Plan
- grade and services plan - interior side yards:
  - an updated Grade and Services Plan would be required to show the window wells in the interior side yards in order to ensure that water is managed correctly and does not migrate to neighbouring properties or the planned retaining wall
  - an updated landscape plan would be required to show the updated planned landscaping and all hard surfaces
- landscape plan – front basement windows:
  - an examination of the elevations and landscape plan together seem to indicate that shrubs would be planted in the window well installed in front of the basement windows at 350 Winona, and that river stone would be placed in the location where a window well is likely required at 348 Winona, as well as shrubs in front of the basement window; the feasibility of the landscape plan needs to be reconsidered and an updated landscape plan likely needs to be resubmitted
- Zoning Bylaw Section 143 - waste management:
  - there is a significant risk that recycling bins will be buried in snow during the winter if the Zoning Bylaw requirements to provide the

appropriate sized “accessory buildings” under Section 143 are not respected; the goals set for City of Ottawa recycling program cannot be achieved if these bins are buried in winter (this particular issue is not unique to this property)

- the urban planners and members of City Council have a responsibility to ensure that there is sufficient space for tenants to store their recycling bins in the “accessory building” required under Section 143 of the Zoning Bylaw
- arguing that Section 143 excludes recycling bins would be an affront to the significant funds invested and efforts made by the City to ensure the success of the recycling programs
- Zoning Bylaw Section 137 - amenity area:
  - City officials have an obligation to protect the rights of future tenants who cannot speak for themselves to ask for the amenity area that is owed to them under the Zoning Bylaw
  - there is a risk that the amenity area provided will be used for snow storage and that the residents of Ottawa, as well as City staff, will be burdened with reporting and dealing with the potential non-compliance of the property owner
  - many negative impacts related to the amenity area can be resolved by eliminating the rear yard parking
  - the Site Plan does not show the surface area that will be occupied by window wells, garbage containers (i.e. including recycling bins), snow storage; the calculation for the amenity area needs to be revised to provide an updated figure of the amenity area that will be provided, excluding retaining walls, window wells, garbage containers (i.e. including recycling bins), snow storage; the Site Plan also needs to be amended and resubmitted to clearly show the space required for these elements
- excessive pavement:
  - the amount of pavement is out of proportion with what is required to park two vehicles
  - the mandatory requirement for amenity space must take priority over the optional parking spaces

- the rear yard parking must be eliminated to preserve biodiversity
- planned unit development:
  - the two side-by-side fourplexes on one lot constitute a planned unit development and should have been treated as such from the very start; the Site Plan Control application has provided yet a new opportunity for the City of Ottawa to recognize and treat it as such.

## Primary reasons for support, by individual

**Murray Chown, accompanied by Danna See-Har, Novatech (applicant)** (oral submission)

- responded to Mr. Ludington's comments:
  - parking is always an issue on infill projects; the By-law requirement for parking for any residential building of 12 units or less is 0 parking spaces, but the applicant is providing two
  - in terms of amenity space, this is a very desirable neighbourhood, in part because of the accessibility to public open space along the Ottawa River and Byron Avenue
  - in terms of process, many of his clients are small builders who undertake this two-staged process in order to postpone construction delays and costs associated with the variance and site plan application required for a fourth unit, so they can get on with construction, get tenants in and start generating revenue until they are ready to proceed with the fourth unit, if such request is granted
- his client on this application was not the original applicant and he does not know what the original message to the community was in terms of intentions for this property; he has been working with many clients to be upfront with the community and the Committee of Adjustment from the initial stage about such intent, as is the case for another application around the corner from this one, which will follow a similar process

**Effect of Submissions on Planning Committee Decision:** Debate: The committee spent 20 minutes on this item

Vote: The committee carried the report as presented, without change to the report recommendations.

**Effect of Submissions on Council Decision:**

Council considered all written and oral submissions in making its decision and CARRIED this item as presented, without change to the report recommendations.