

**5. Zoning By-law Amendment - 2046 and 2050 Scott Street and 295, 299 and 301 Ashton Avenue**

**Modification du Règlement de zonage - 2046 et 2050, rue Scott, et 295, 299 et 301, avenue Ashton**

**Committee recommendations**

- 1. That Council approve an amendment to Zoning By-law 2008-250 for 2046 and 2050 Scott Street and 295, 297, 299 and 301 Ashton Avenue to permit the construction of a 30-storey mixed-use high-rise building, as detailed in Document 2.**
- 2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed.**

**Recommandations du Comité**

- 1. Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant les 2046 et 2050, rue Scott, et les 295, 297, 299 et 301, avenue Ashton, afin de permettre la construction d'une tour polyvalente de 30 étages, comme l'expose en détail le document 2.**
- 2. Que Règlement de zonage de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*.**

For the information of Council

The Committee CARRIED the following motion:

**Motion No PLC 2022-61/1**

Moved by Co-chair S. Moffatt

**THEREFORE BE IT RESOLVED** that Document 1 – Location Map be replaced with the attached map; and

**THEREFORE BE IT FURTHER RESOLVED** that Document 2 – Details of Recommended Zoning be amended by replacing the text “TM[XXXX] H(92)” with the text “TM[XXXX] H(97).”

**THEREFORE BE IT FURTHER RESOLVED** that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

Pour la gouvernance du conseil

Le Comité a ADOPTÉ la motion suivante :

**Motion No PLC 2022-61/1**

Motion du coprésident S. Moffatt

**PAR CONSÉQUENT, IL EST RÉSOLU QUE** la carte de localisation (document 1) soit remplacée par la carte ci-jointe;

**IL EST EN OUTRE RÉSOLU QUE** dans les détails du zonage recommandé (document 2), « TM[XXXX] H(92) » soit remplacé par « TM[XXXX] H(97) »;

**IL EST EN OUTRE RÉSOLU**, en vertu du paragraphe 34 (17) de la *Loi sur l'aménagement du territoire*, qu'aucun nouvel avis ne soit donné.

Documentation/Documentation

1. Report from the Acting Director, Planning Services, Planning, Real Estate and Economic Development, dated April 14, 2022 (ACS2022-PIE-PS-0027)  
  
Rapport de la Directrice par intérim Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'immobilier et du développement économique, daté le 14 avril 2022 (ACS2022-PIE-PS-0027)
2. Extract of draft Minutes, Planning Committee, April 28, 2022  
  
Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 28 avril 2022

**Planning Committee  
Report 60  
11 May 2022**

**121**

**Comité de l'urbanisme  
Rapport 60  
Le 11 mai 2022**

**Subject: Zoning By-law Amendment - 2046 and 2050 Scott Street and 295, 299  
and 301 Ashton Avenue**

**File Number: ACS2022-PIE-PS-0027**

**Report to Planning Committee on 28 April 2022  
and Council 11 May 2022**

**Submitted on April 14, 2022 by Lily Xu, Acting Director, Planning, Real Estate and  
Economic Development**

**Contact Person: Jean-Charles Renaud, Planner II, Development Review Central  
613-580-2424 x27629, [Jean-Charles.Renaud@ottawa.ca](mailto:Jean-Charles.Renaud@ottawa.ca)**

**Ward: Kitchissippi (15)**

**Objet : Modification du Règlement de zonage - 2046 et 2050, rue Scott, et  
295, 299 et 301, avenue Ashton**

**Dossier : ACS2022-PIE-PS-0027**

**Rapport au Comité de l'urbanisme**

**le date de la réunion du comité**

**et au Conseil le Choisir la date de la réunion du Conseil municipal.**

**Soumis le 14 avril 2022 par Lily Xu, Directrice par intérim, Direction générale de la  
planification, des biens immobiliers et du développement économique**

**Personne ressource : Jean-Charles Renaud, Urbaniste II, Examen des demandes  
d'aménagement centrale**

**613-580-2424 x27629, [Jean-Charles.Renaud@ottawa.ca](mailto:Jean-Charles.Renaud@ottawa.ca)**

**Quartier : Kitchissippi (15)**

## REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 2046 and 2050 Scott Street and 295, 297, 299 and 301 Ashton Avenue to permit the construction of a 30-storey mixed-use high-rise building, as detailed in Document 2.
2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed; and
3. 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 May 11, 2022," 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 2046 et 2050, rue Scott, et les 295, 297, 299 et 301, avenue Ashton, afin de permettre la construction d'une tour polyvalente de 30 étages, comme l'expose en détail le document 2.
2. Que Règlement de zonage de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*; et
3. Que le Comité de l'urbanisme approuve que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux

**termes de la *Loi sur l'aménagement du territoire* à la réunion du Conseil municipal prévue le 11 mai 2022 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

### **Site location**

2046 and 2050 Scott Street and 295, 297, 299 and 301 Ashton Avenue.

### **Owner**

2662118 Ontario Inc., 3474313 Canada Inc. (Jakub Ulak, Surface Developments)

### **Applicant**

Fotenn Planning + Design (Nick Sutherland)

### **Architect**

RLA Architecture

### **Description of site and surroundings**

The proposed development is located within the Westboro neighbourhood on two properties on Scott Street, being 2046 and 2050 Scott Street, as well as three properties on Ashton Avenue, being 295, 297, 299 and 301 Ashton Avenue.. The subject site is located between Winona Avenue and Athlone Avenue.

The subject lands have approximately 36 metres of frontage along Scott Street and an area of approximately 2,513 square metres. The properties are currently occupied by two one-storey commercial buildings, a single-family dwelling, a duplex dwelling and a low-rise apartment dwelling, which are all proposed to be demolished.

To the north of the property is the Westboro Transit Station, Transitway, as well as the Westboro Beach neighbourhood further north. The Granite Curling Club is located immediately to the east of the site, as well as low-rise commercial businesses further east, and a mid-rise residential building is located to the west. Immediately south of the subject property is a pocket of low-rise residential dwellings, as well as Richmond Road, a mostly commercial corridor, further south.

### **Summary of requested Zoning By-law amendment proposal**

The site in question consists of a land assembly having frontage on both Scott Street and Ashton Avenue. The property fronting on Scott Street is zoned TM[103] (Traditional Mainstreet Zone, Exception 103), while the properties fronting on Ashton Avenue are zoned R4UB (Residential Fourth Density, Subzone UB). The proposed Zoning By-law Amendment seeks to facilitate the construction of a 30-storey mixed-use building, consisting of a point tower with 331 rental apartment units atop a six-storey podium with commercial space along the Scott Street frontage, and ground-oriented units along the Ashton Avenue frontage. 213 parking spaces are proposed underground.

The site is proposed to be rezoned to TM[xxxx] H(97) (Traditional Mainstreet, Exception xxxx, Maximum Height 97 metres). The following site-specific provisions are proposed:

- Minimum front yard setback (from Scott Street) above 15 metres in height: 0 metres
- Minimum western interior side yard setback for a tower: 7 metres
- Maximum building height: 97 metres
- Ashton Avenue Setback of 3.8 metres
- Commercial uses are not permitted to have frontage on Ashton Avenue
- Details of the Section 37 contributions

## **DISCUSSION**

### **Public consultation**

A community meeting was held on January 27, 2020 at the Van Lang Field House (29 Van Lang Private) following the pre-application consultation meeting with staff, but prior to the submission of the formal rezoning application.

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

### **Official Plan designation(s)**

#### **Current Official Plan**

According to Schedule B of the Official Plan, the property is designated as Traditional Mainstreet. Scott Street is identified as an on-road cycling route on Schedule C and an Arterial Road on Schedule E.

#### **New Official Plan**

According to Schedule A of the New Official Plan, the property is located within the Inner Urban Transect Policy Area. According to Schedule B2, the property is affected by the Evolving Neighbourhood overlay and Scott Street is designated as a Corridor – Mainstreet.

### **Other applicable policies and guidelines**

The proposal is subject to Richmond Road/Westboro Secondary Plan in Volume 2 of the Official Plan. According to Schedule A the site is located within Sector 5 – Scott Street and Westboro Transitway Station Area. The Secondary Plan represents an implementation of the Richmond Road/Westboro Community Design Plan (CDP).

The Urban Design Guidelines for Development along Traditional Mainstreets apply to this development. The purpose of these guidelines is to provide urban design guidance at the planning application stage in order to assess, promote and achieve appropriate development along Traditional Mainstreets.

The Urban Design Guidelines for Transit-Oriented Development apply to this development. The purpose of these guidelines is to provide guidance to assess,



promote and achieve appropriate Transit-Oriented Development within the City of Ottawa.

The Urban Design Guidelines for High-Rise Housing apply to this development. These urban design guidelines are to be used during the review of development proposals to promote and achieve appropriate high-rise development.

### **Urban Design Review Panel**

The property is within a Design Priority Area and the Zoning By-law Amendment application and Site Plan Control application were subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting, which was open to the public.

The formal review meeting for the Zoning By-Law Amendment application was held on November 6, 2020.

The formal review meeting for the Site Plan Control application was held on October 8, 2021.

The panel was successful in aiding in the implementation of the following:

- *The addition of trees along the Scott Street frontage*
- *The inclusion of an ornamental glass treatment of the garage door in order for it to tie into the glass storefront*
- *Upgraded pavers within the drive aisle*
- *The inclusion of additional glazing and lighting elements to better accentuate some portions of the building*
- *Adjustments made to the tower dimensions as well as to some of the podium setbacks.*

## **Planning rationale**

### Current Official Plan

The Official Plan designates the site as Traditional Mainstreet (Section 3.6.3), a target area for intensification, and a designation which envisions some of the most significant development opportunities. While the Official Plan supports mid-rise building heights on Traditional Mainstreets, greater building heights may be considered in some situations, based upon site conditions, existing character and compatibility. The application of Sections 2.5.1 and 4.11 assist in determining that additional height is appropriate.

In demonstrating its commitment to development on Mainstreets, the City considers these as priority locations for land assemblies. The proposal consists of a land assembly of 2046 and 2050 Scott Street and 295, 297, 299 and 301 Ashton Avenue, which results in a land parcel of sufficient size for a compatible Mainstreet development.

Section 2.5.1 seeks to implement design objectives which will help ensure a sensitive approach and a respect for a community's established characteristics. It also provides guidance on measures that will mitigate differences between existing and proposed development and help achieve compatibility of form and function. The proposed development has located the tallest portion of the building towards Scott Street while keeping the rear portion of the property as low-rise where it abuts the residential context of Ashton Avenue. The siting of the tower portion provides an appropriate buffer and transition into the adjacent low-rise residential neighbourhood to the south of the subject site. Setbacks along Ashton Avenue are similar to those of other dwellings along the street, and five ground-oriented townhouse dwellings are proposed along that frontage in order to integrate the proposal within the existing residential context. Plantings are proposed along both the Scott Street and the Ashton Avenue frontages to achieve an improved pedestrian-focused public realm. A six-storey podium has been designed along the Scott Street elevation with ground-oriented commercial units having front facing doors to reinforce the active Traditional Mainstreet nature of the area. A publicly accessible pedestrian walkway is integrated into the site in order to allow for pedestrian access from Scott Street to Ashton Avenue and Lion's Park.

Section 4.11 seeks to ensure high quality urban design in all parts of the city and design excellence in design priority areas. This section addresses specific design directions for high-rise buildings, which may be considered on Traditional Mainstreets where the

proposed location is within 600 metres of a rapid transit station and where a Secondary Plan acknowledges that there are significant opportunities to support transit by providing a pedestrian and transit-oriented mix of uses and activities. The Richmond Road/Westboro Secondary Plan, Policy 1.3.3, supports greater building heights where there are opportunities to support transit at a station, where Section 2.5.1 and 4.11 of the Official Plan determine that additional height is appropriate. The Westboro Transit Station is 150 metres walking distance from the site.

Section 4.11 further references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design. Through extensive discussion with staff, as well as multiple Urban Design Review Panel sessions, the proposal was finessed to include an attractive glass tower made of high-quality materials, set atop a handsome, six-storey podium, both oriented to Scott Street, and appropriately integrated into the Scott Street skyline. Vehicular access to the parking garage is limited to Scott Street and the lot consolidation has made it possible to achieve an appropriate tower setback and transition to the nearby residential neighbourhood.

#### New Official Plan

Under the New Official Plan, the site is located within the Inner Urban Transect Policy Area, which seeks to achieve an urban pattern of built form, site design and mix of uses, the prioritization of walking, cycling and transit, as well as providing direction to Neighbourhoods, Hubs and Mainstreet Corridors within the Transect. The Inner Urban Transect is generally planned for mid- to high-density developments, subject to proximity to rapid transit and subject to the urban design policies of Section 4.6.

High-rise built forms are permitted on Mainstreet Corridors where the Right of Way width is greater than 30 metres. Otherwise, high-rise buildings are permitted where the Right of Way width is less than 30 metres if the Secondary Plan supports greater heights. In this case, the combination of the Scott Street Right of Way and that of the transit way make up a distance of over 60 metres. The proposal also includes a mid-block connection which will facilitate pedestrian access to and from Scott Street, Ashton Avenue and Lion's Park.

Section 6.2 speaks to the Corridors designation of the New Official Plan. Mainstreet Corridors are recognized as having a different context from other corridors, setting out policies to foster their development. Table 7 states that Mainstreet Corridors within the Inner Urban Transect can feature low-rise, mid-rise and high-rise built forms, with a minimum two storeys and maximum 40 storeys dependent on road width and transition.

Section 6.3 speaks to the Neighbourhoods designation of the New Official Plan, which generally permits low-rise heights, but permits greater building heights in areas where the Secondary Plan supports them, and in areas characterized by taller buildings.

Section 4.6 seeks to promote design excellence in Design Priority Areas. Developments which include high-rise towers shall consider their impacts on the skyline by demonstrating that the proposed building contributes to a cohesive silhouette. In this case, siting the tallest building closest to the Westboro Transit Station assures such cohesiveness and assists with wayfinding to the station. The section also encourages public realm investments aimed at addressing the neighbourhood's need, such as the proposed mid-block connection.

#### Richmond Road / Westboro Secondary Plan

The property is located within Sector 5 – Scott Street and Westboro Transitway Station Area on Schedule A of the Richmond Road / Westboro Secondary Plan. While the plan supports heights generally in the range of four to six storeys, greater building heights can be considered where the heights are established in the Zoning By-law, where the proposed building conforms to prevailing heights and provides transition, and where the additional height has been deemed appropriate through the application of Sections 2.5.1 and 4.11 of the Official Plan. In addition to the proximity to Westboro Station and the provision of adequate tower setback to the nearby low-rise residential area, the analysis of Sections 2.5.1 and 4.11 of the Official Plan determined that additional height is appropriate.

#### Recommended Zoning Details

As detailed in Document 2, the proposed Zoning By-law amendment has the effect of rezoning the site into a Traditional Mainstreet zone with site specific provisions. The following summarizes the site-specific zoning provisions and planning rationale:

- The entire lot assembly is proposed to be rezoned to TM[xxxx] H(97) (Traditional Mainstreet, Exception xxxx, Maximum Height 97 metres). In order to ensure that the commercial activities continue to support Scott Street and do not bleed into the community at the Ashton Avenue frontage, non-residential uses will not be permitted to have frontage or an active façade on Ashton Avenue.
- The minimum western interior side yard setback for a tower is proposed to be reduced from 10 metres to 7 metres. By-law 2019-253, currently under appeal, introduced zoning provisions for high-rise buildings. The zoning provisions include requirements for minimum lot area and tower separation distance for high-rise buildings in some areas of the city. While the tower setback is being met on the eastern side yard, a reduction is required for the west side of the tower. The intent of the separation distance is to ensure that neighbouring towers are not sited too close to each other. Given the relatively young age of the neighbouring building, and the larger size of the lot adjacent to two streets, which provides the ability of a tower to be located on that property in a manner that the intent of the tower separation can be achieved, staff find it appropriate to reduce the required setback to seven metres in this case.
- The minimum front yard setback from Scott Street is proposed to be reduced to zero metres for portions of the building higher than 15 metres. Due to the fact that Scott Street is not perpendicular to the side lot lines, and that the tower portion is sited to be square with the side lot lines, a triangular portion of the tower and some areas of the podium are located closer than 2 metres from the front property line, which is the current zoning requirement. This setback requirement is also necessary due to the Right-of-Way protection, without which it would be complying.
- The minimum rear yard setback (along Ashton Avenue) is proposed to be reduced to 3.8 metres. Although the property is a through-lot, fronting on both Scott Street and Ashton Avenue, the Zoning By-law defines the Ashton Avenue lot line as the rear lot line. A reduction is therefore required, which results in a yard similar in depth to the front yards along Ashton Avenue.
- The maximum building height is proposed to be increased to 97 metres, which reflects a 30-storey building. The site's location along Scott Street and its

proximity to the Westboro Transit Station make it an appropriate candidate for additional height. The size of the lot assembly has made it possible to locate the tower portion over 20 metres away from the rear property line and the residential area further south, therefore providing appropriate setback and transition.

### **Section 37 Agreement**

Pursuant to Section 37 of the *Planning Act*, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law, in return for the provision of community benefits. The Official Plan (Section 5.2.1.11) states that limited increases will be permitted in return for the provision of community benefits as set out in the Zoning By-law, which shall be secured through an agreement registered on title, as per the *Planning Act*. The project must represent good planning.

The proposed zoning permits a high-rise building (up to 97 metres) where the current zoning on the properties permits heights up to six storeys, and the proposed Gross Floor Area is more than 25 per cent of that permitted as of right. As such, the owner is required to provide a Section 37 contribution. As discussed, in this report, planning staff are satisfied that the proposed development conforms with the principles and policies of the Official Plan, the Richmond Road/Westboro Secondary Plan, and relevant Council-approved design guidelines and that it represents good planning.

As set out in the Council-approved Section 37 Guidelines, the Ward Councillor, in consultation with the local community, will identify potential benefits to be considered for inclusion in a Section 37 By-law and Agreement. Council will then give approval to the contributions and associated community benefits being secured as part of the approval of the zoning changes for increased height and density. Potential community benefits may also be determined through a secondary planning process.

The as-of-right Gross Floor Area (GFA) permitted for development under the current zoning of the site has been calculated at 8,150.4 square metres, whereas the proposed GFA is calculated at 21,269.9 square metres. This accounts for 75.2 per cent efficiency in the proposed GFA. In accordance with the Council-approved guidelines, the combined benefits to be secured and provided through a Section 37 Agreement are:

- A cash contribution of \$100,000.00 towards sidewalk upgrades on Ashton Avenue and Winona Avenue
- In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the Site Plan Control Agreement:
  - A mid-block pedestrian connection from Scott Street to Ashton Avenue, including public art murals, bike parking spaces and repair stations.
  - An approximately 185 square metre space on the ground floor of the podium to be used as a daycare space for the community. Should, prior to the issuance of the first building permit for this proposal, the owner opt out of this non-cash contribution, an amount of \$100,000.00 would be added to the cash contribution above.
  - The establishment of a displacement fund for the residential tenants of the buildings to be demolished on the Ashton Avenue lands. Any tenant that occupied any of the existing properties prior to the acquisition by Scott Street Development Inc. shall receive a credit in the difference of existing rent compared to market for a similar unit for the same duration as their tenancy in the building for up to two years (or the required amount as per the *Residential Tenancies Act*, whichever is greater). These tenants are to be given first right of refusal for the affordable units in the building (at the affordable rent).
  - The provision of 15 affordable housing units within the proposed building, at the Canada Mortgage and Housing Corporation (CMHC) average market rent (AMR) with a 20-year affordability commitment inflated at annual guideline increase. A minimum of eight of these units shall be two- or three-bedroom units. Affordable units will be of the same size as comparable units within the same building and will align with Building Code definitions of the unit type (i.e. studio, one-, two- or three bedroom unit definitions).

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

The details of the Section 37 contributions are also contained within the Zoning By-law amendment (see Document 2). These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment. The implementing Zoning By-law will not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

### **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**

The Ward Councillor is aware of the application related to this report.

### **LEGAL IMPLICATIONS**

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three to five day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal, it would be necessary to retain an external planner.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications.



## FINANCIAL IMPLICATIONS

In accordance with the Council-approved guidelines, the combined benefits to be secured and provided through a Section 37 Agreement are:

- A cash contribution of \$100,000 towards sidewalk upgrades on Ashton Avenue and Winona Avenue. This contribution will be secured prior to the issuance of the first building permit and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment.
- Non-cash contributions as follows, to be secured through the Site Plan Control Agreement:
  - A mid-block pedestrian connection from Scott Street to Ashton Avenue, including public art murals, bike parking spaces and repair stations.
  - An approximately 185 square metre space on the ground floor of the podium to be used as a daycare space for the community. Should, prior to the issuance of the first building permit for this proposal, the owner opt out of this non-cash contribution, an amount of \$100,000 would be added to the cash contribution above.
  - The establishment of a displacement fund for the residential tenants of the buildings to be demolished on the Ashton Avenue lands. Any tenant that occupied any of the existing properties prior to the acquisition by Scott Street Development Inc. shall receive a credit in the difference of existing rent compared to market for a similar unit for the same duration as their tenancy in the building for up to 2 years (or the required amount as per the *Residential Tenancies Act*, whichever is greater). These tenants are to be given first right of refusal for the affordable units in the building (at the affordable rent).
  - The provision of 15 affordable housing units within the proposed building, at the Canada Mortgage and Housing Corporation (CMHC) average market rent (AMR) with a 20-year affordability commitment inflated at annual guideline increase. A minimum of eight of these units shall be two-

or three-bedroom units. Affordable units will be of the same size as comparable units within the same building and will align with Building Code definitions of the unit type (i.e. studio, one-, two- or three bedroom unit definitions).

In the event the application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services' operating budget.

### **ACCESSIBILITY IMPACTS**

The new building will be 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.

### **ENVIRONMENTAL IMPLICATIONS**

A Phase I and a Phase II Environmental Site Assessment were prepared in order to address areas of potential environmental concerns. The report recommended that a soil and groundwater remediation program be carried out on the property. This will be implemented along with the forthcoming Site Plan Control approval.

### **INDIGENOUS GENDER AND EQUITY IMPLICATIONS**

There are no indigenous, gender and equity implications associated with this report.

### **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: D02-02-20-0034) was not processed by the "On Time Decision Date" established for the processing of Zoning By-

law amendments due to the negotiation process related to the Section 37 contribution requirement.

## **SUPPORTING DOCUMENTATION**

- Document 1      Location Map
- Document 2      Proposed Zoning By-law Amendment
- Document 3      Consultation Details
- Document 4      Proposed Site Plan
- Document 5      Proposed Building Renderings

## **CONCLUSION**

Staff are of the opinion that the proposed development provides a design approach that achieves a desired built form for the redevelopment of an underused site, in a manner that is sensible to the surrounding community. The proposed development will also contribute to ensure a full range and choice of housing types in proximity to employment, retail, service, institutional uses, and transit.

## **DISPOSITION**

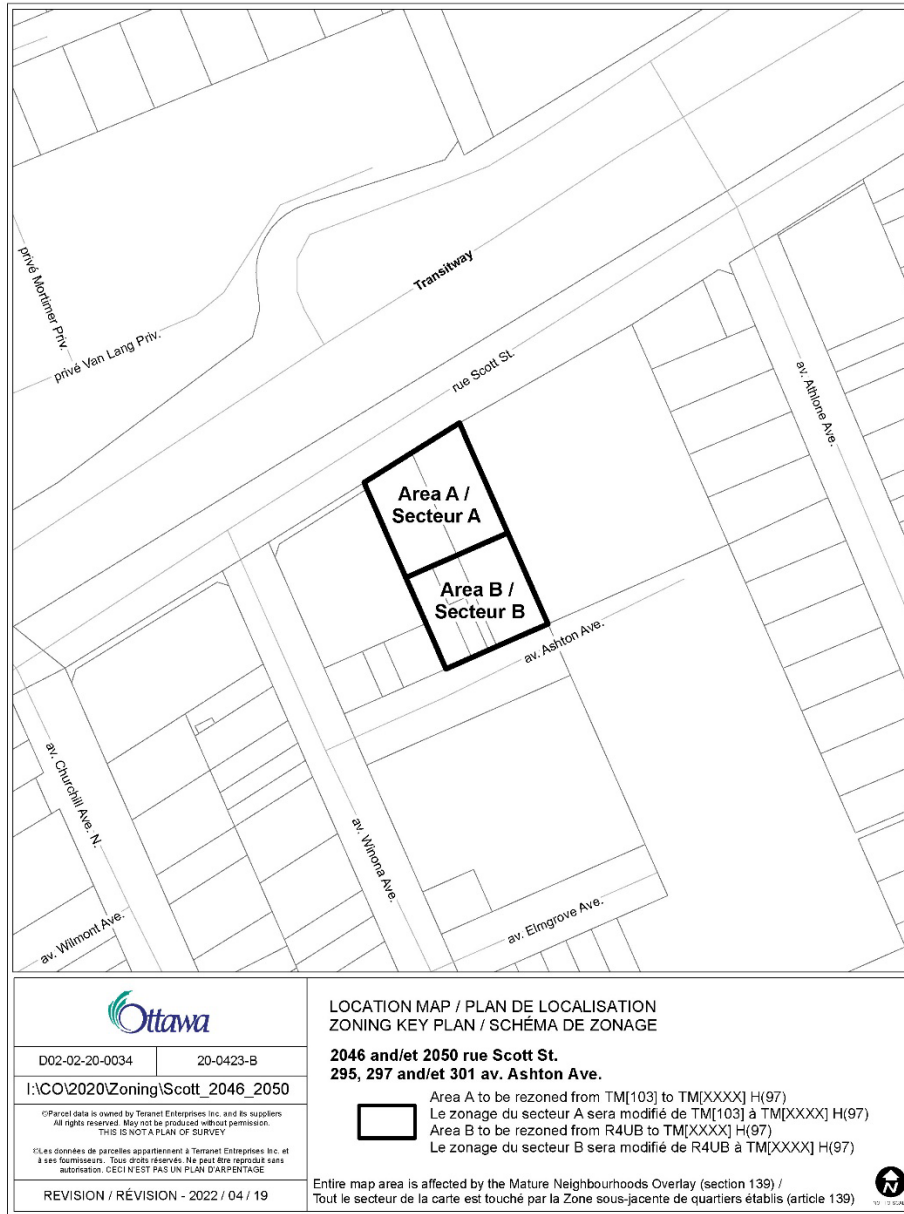
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

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

Document 1 (as amended by motion n° PLC 2022-61/1) – Location Map



For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa)

A location map showing the location of the affected lot assembly, fronting on Scott Street and on Ashton Avenue.

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 2046 and 2050 Scott Street and 295, 297, 299 and 301 Ashton Avenue:

1. Rezone the lands shown in Document 1.
2. Add Exception [xxxx] in Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column II, Applicable Zoning, add the text "TM[XXXX] H(97)"
  - b. In Column V, Provisions, add the following text:
    - i. Minimum front yard setback for any portion of the building higher than 15 metres: 0 metres
    - ii. Minimum western interior side yard setback for the tower portion (for the purpose of this section, a tower is defined as the portion of the building above the podium): 7 metres
    - iii. Minimum setback from Ashton Avenue: 3.8 metres
    - iv. Non-residential uses shall not have frontage and/or an active façade on Ashton Avenue.
  - c. The following provisions dealing with Section 37 authorization will also be added to the new exception in Section 239:
    - i. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in ii. below of this by-law.
    - ii. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in

Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

- iii. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such conditional provisions shall continue.
3. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 2046 and 2050 Scott Street and 295, 299 and 301 Ashton Avenue and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

2046 and 2050 Scott Street and 295, 299 and 301 Ashton Avenue

The City shall require that the owner of the lands at 2046 and 2050 Scott Street and 295, 299 and 301 Ashton Avenue enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Real Estate and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured to the City being indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

The benefits to be secured are:

- A cash contribution of \$100,000.00 towards sidewalk upgrades on Ashton Avenue and Winona Avenue.

- In addition, the following non-cash contributions will also be provided as part of the Section 37 Agreement and secured through the site Plan Control Agreement:
  - A mid-block pedestrian connection from Scott Street to Ashton Avenue, including public art murals, bike parking spaces and repair stations.
  - An approximately 185 square metre space on the ground floor of the podium to be used as a daycare space for the community. Should the owner opt out of this non-cash contribution, an amount of \$100,000.00 would be added to the cash contribution above.
  - The establishment of a displacement fund for the residential tenants of the buildings to be demolished on the Ashton Avenue lands. Any tenant that occupied any of the existing properties prior to the acquisition by Scott Street Development Inc. shall receive a credit in the difference of existing rent compared to market for a similar unit for the same duration as their tenancy in the building for up to two years (or the required amount as per the *Residential Tenancies Act*, whichever is greater). These tenants are to be given first right of refusal for the affordable units in the building (at the affordable rent).
  - The provision of 15 affordable housing units within the proposed building, at the Canada Mortgage and Housing Corporation (CMHC) average market rent (AMR) with a 20-year affordability commitment inflated at annual guideline increase. A minimum of 8 of these units shall be 2- or 3-bedroom units. Affordable units will be of the same size as comparable units within the same building, and will align with Building Code definitions of the unit type (i.e. studio, one-, two- or three bedroom unit definitions).

### **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 meeting was also held in the community on January 27, 2020 at the Van Lang Field House (29 Van Lang Private) in advance of the submission of the formal rezoning application.

#### Comments Theme 1: General

- There seems to be too many towers and condos close to each other. Part of Ottawa's charm is the pockets of neighbourhoods like Westboro, that are now being grossly over developed.
- This development will see the demolition of three houses along Ashton, and the "demoviction" of the tenants in those buildings.
- I live in one of the buildings that will be demolished. I am disappointed! I loved living in this neighbourhood, and this apartment (while not luxurious) offered me an affordable and convenient lifestyle while living alone. I take public transit, walk to work, bike to my volunteer commitments in the community, and shop locally. Given the rental prices of similar apartment buildings in the area, I am confident that I will not be able to afford a unit in the proposed new building. I strongly suspect I will have difficulty finding an affordable apartment in this neighbourhood.
- The proposal needs to include affordable housing units.
- I'm concerned with the potential impact of the blasting on surrounding houses, especially for some of the older homes on Ashton. How will the City ensure that damage is not done to the foundations of these homes during the blasting?

#### Staff Response 1:

The property's location in proximity to the Westboro Transit Station makes it a candidate for increased heights and densities. The Section 37 contribution will include the provision of affordable housing units within the building, as well as the establishment of



a displacement fund for the tenants of the buildings to be demolished on the Ashton Avenue lands. Tenants would also be given first right of refusal for the affordable units in the building (at the affordable rent. If blasting is required, the Site Plan Agreement will include specific conditions of approval requiring the owner to conform to the City's use of explosive standards, and to perform pre-blasting surveys of structures surrounding the property.

Comments Theme 2: Height, massing, and design

- The proposed building should respect the current bylaw. It will not fit in with the neighbourhood. It is too massive.
- This will be the highest tower along the Scott St. Churchill, McCrae corridor. This, of course, will set a precedent for other proposal along Scott St. and throughout other sections of the Ward.
- The result of this design will be a substantial decline of the amount of natural light reaching nearby existing units. As the sun begins to set in the west, however, reflections off the facade of this building may cause a significant heat gain with glare through our windows.
- I'm concerned about the effects of wind caused by this and other tall buildings in this area.
- I'm concerned with the balconies and the outdoor terraces as they will have privacy impacts on my property.

Staff Response 2:

The property's location in proximity to the Westboro Transit Station makes it a candidate for increased heights and densities. Placing the tallest towers closes to the transit station also helps with wayfinding to the station. The effects of sun-shadowing and wind have been reviewed throughout the rezoning and Site Plan Control process and have been demonstrated to be minor.

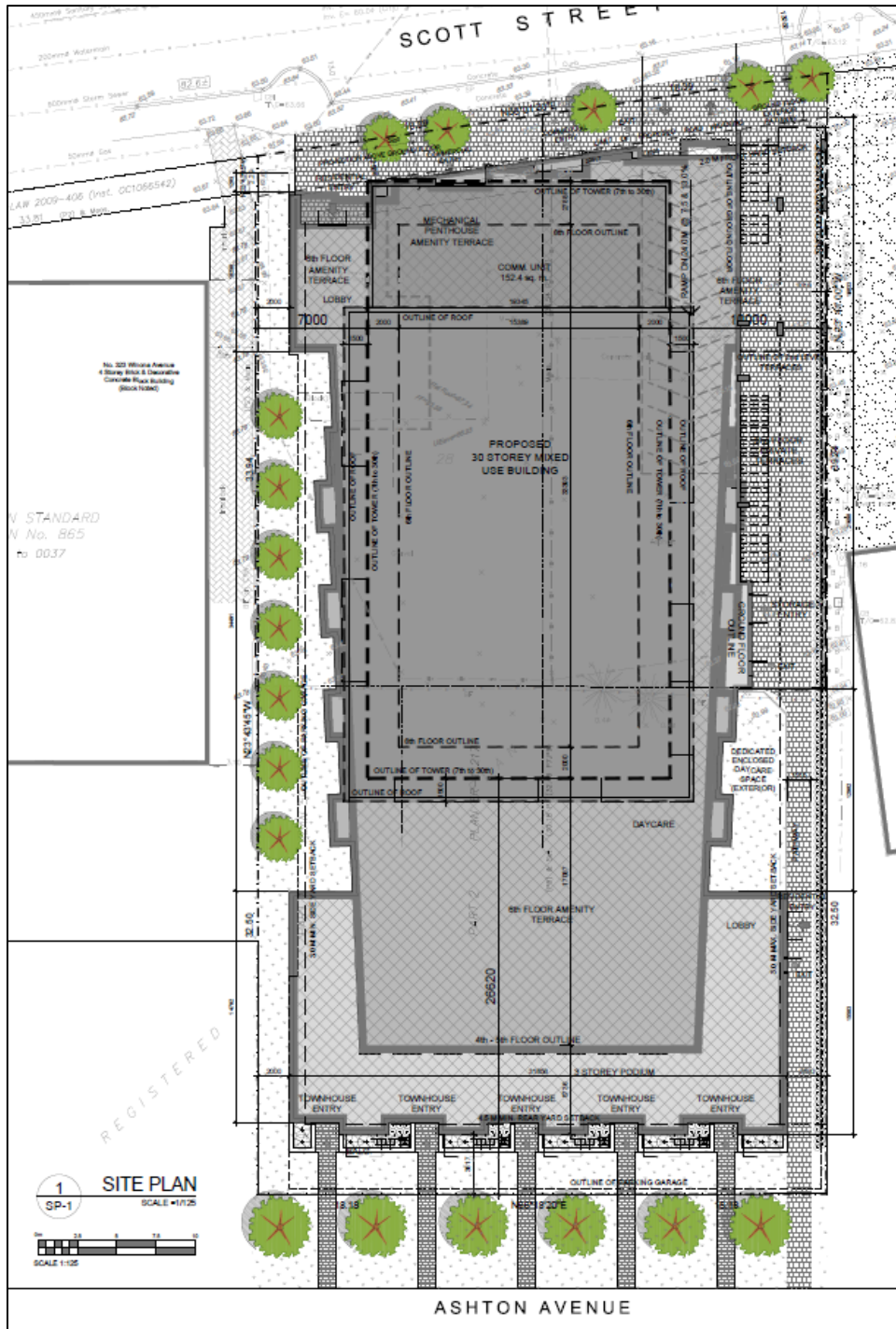
Comments Theme 3: Traffic

- This building, along with the other buildings proposed along this corridor, will generate too much traffic for the street to accommodate.
- This new development and the coming new project in the Granite Club will affect the walkability in the neighbourhood. Winona is already unsafe to walk with so many cars avoiding Churchill. Does someone need to be killed until City of Ottawa takes some action and put sidewalks?

Staff Response 3:

Transportation staff have reviewed the proposal, including the Transportation Impact Statement, and have no objections. The proposal is not expected to have a significant impact on vehicular traffic and encourages the use of alternative forms of transportation. The Section 37 contribution will include monies to go towards sidewalk improvements on Ashton Avenue and Winona Avenue.

Document 4 – Proposed Site Plan



Document 5 – Proposed Building Renderings



View of building on Scott Street from the East



View of Aikhen Street townhouses, podium, and tower from the South-East