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ZONING CONFIRMATION REPORT

SITE PLAN CONTROL

SUBJECT SITE: 370 ATHLONE AVENUE



REPORT DATE: JULY 20, 2024

REPORT PREPARED FOR: JERSEY DEVELOPMENTS INC.

PREPARED BY: Q9 PLANNING + DESIGN

Prepared by:



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This Zoning Confirmation Report is prepared in support of a Site Plan Control Application for the proposed commercial development at 370 Athlone Avenue.

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1.0 OFFICIAL PLAN

Designation: *Neighbourhood, Evolving Overlay, Inner Urban Transect*

The City of Ottawa Official Plan was adopted by City Council on November 24th, 2021 was approved by the MMAH on November 4th, 2022. The Plan is intended to manage growth and change in Ottawa to the year 2046.

Section 2 contains the overall strategic direction of the new Official Plan and is based around the Five Big Policy Moves, which are intended to make Ottawa the most liveable mid-sized City in North America. The Five Big Moves call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The proposed development results in a net increase of 15 dwelling units through intensification of an existing site, contributing towards intensification that is planned for areas within proximity to transit and within proximity of Mainstreet Corridors.

Section 3 of the Official Plan provides a growth management framework that plans for growth across differing geographies in the City. Most growth is to occur in the urban area, which contains six different transect policy areas that have grown and are expected to grow in varying ways. The central link between all transect policies is the creation and connection of networks of 15-minute communities.

Comment: The proposed development of a new 16-unit, 3-storey low-rise apartment through infill of an existing lot contributes to the strategic direction of accommodating new rental housing units through intensification.

Section 4 of the Official Plan provides policies applicable to development throughout the City. It includes policies for more sustainable modes of transportation and the design and creation of healthy, 15-minute neighbourhoods. This includes the provision of jobs, recreational amenities, and retail uses within a 15-minute walking distance of residential uses.

Section 4.6 provides policies that address urban design, which involves designing the built form and public realm in a manner that supports healthy, 15-minute neighbourhoods. It also emphasizes design excellence throughout the City, especially in Design Priority Areas.

Comment: The proposed development provides for compatible infill by creating additional density through the construction of a low-rise apartment. The proposed three storey height is compatible with the area where two-storey heights are common, and three-storey heights already exist. It is noted that three-storey heights are permitted in the applicable designation. The building contributes quality design to the area and constitute compatible infill of the subject site. The site focuses on green space, and active modal access. The design integrates a combination of materials and balconies to provide interest facing the public realm.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout

the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Section 5 provides detailed policies for each of the six transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable 15-minute communities. The subject site is located within the **Inner Urban Transect** and is designated **Neighbourhood**. It is also part of the **Evolving Overlay** due to proximity to Richmond Road.

Section 5.2 provides policies for the Inner Urban Transect, which represents pre-war neighbourhoods surrounding the Downtown Core and the adjacent post-war neighbourhoods. The intent of Section 5.2 is to enhance the existing urban built form pattern, site design, and mix of uses. It is generally planned for mid-to-high density development, subject to transit proximity and secondary plans or area-specific policies. Within Neighbourhoods, between two and four storeys is permitted.

Comment: The proposed 3-storey, 16-unit low-rise rental apartment represents an ideal example of the planned built form and intensification targeted for the Evolving Overlay area. The proposed design contributes to the quality of the urban design on the street, provides appropriate built form setbacks and massing with interest created through materiality and balconies.

Section 5.6.1 provides policies for built form overlays, including the Evolving Overlay. The Evolving Overlay applies to areas in close proximity to Hubs and Corridors which will gradually evolve to support intensification, transitioning from a suburban to an urban character.

Comment: The proposed development aligns with the planned 2-4 storey height context for Neighbourhoods within the Inner Urban Transect, while also retaining a built form pattern and lot-to-structure ratio that is typical of a low-rise rental apartment in urban neighbourhoods within the Inner Urban area. It contributes to the character of the neighbourhood and results in a degree of intensification that maintains an appropriate built form but offers a quantity of rental units that acknowledges the site's proximity to a major transit station and a Mainstreet Corridor.

Section 6.0 contains policies specific to designations within the urban settlement area.

Section 6.3 contains policies that pertain to Neighbourhoods. These are contiguous urban areas that form the heart of communities and consist of a mix of densities and built forms. Neighbourhoods are noted as being at different types and stages of development, maturity, and evolution. A variety of dwelling types and densities are permitted in Neighbourhoods, with the intent of creating and reinforcing 15-minute communities through gradual, context-sensitive development. Permitted building heights are generally 2-4 storeys, which transition in height and density from the neighbourhood interior towards Corridors and Hubs.

Comment: The proposed development is a representation of this transition and evolution within the neighbourhood moving from a 1-storey single detached residence to a 3-storey low-rise rental apartment. Two and three-storeys in height are present in alone Athlone Avenue.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Official Plan.

2.0 SITE ZONING

The subject site is currently zoned as **R4UB – Residential Fourth Density Zone, Subzone UB**. The intent of the R4UB Zone is to allow for a wide mix of residential building forms ranging from detached to low-rise apartment dwellings. The performance standards in the zone seek to regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced. As the property is located within the Greenbelt, it is subject to the alternative provisions of Section 139 and 144. The table below provides an overview of the required provisions for this zone and the proposed development's compliance.

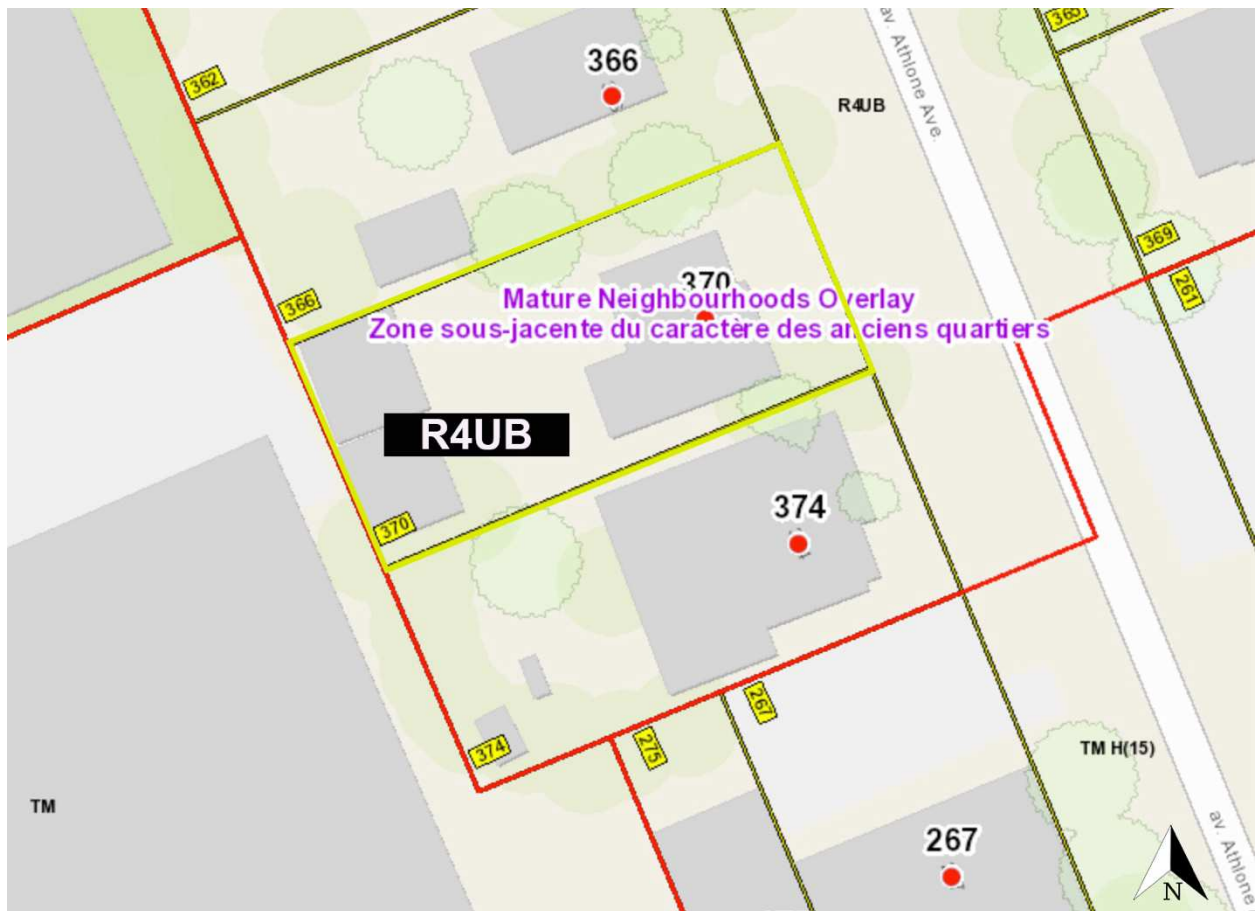


Figure 1: EXTRACT OF ZONING MAP, GEOOTTAWA

2.1 Use Permissions

The subject site permits a variety of uses under the Residential Fourth Density category, including the use proposed being: apartment dwelling, low rise.

Apartment Dwelling, Low Rise means a residential use building that is four or fewer storeys in height and contains four or more principal dwelling units, other than a townhouse dwelling or Stacked Dwelling. (By-law 2012-334) (By-law 2014-189)



PROPOSED USE PERMITTED

3.0 PERFORMANCE STANDARD REVIEW

The following table reviews the applicable site performance standards against the proposed development. Any non-compliance items are noted in red and bolded.

| | |
|----------------------|--|
| Lot Details: | <ul style="list-style-type: none"> • Lot frontage: 15.24 m • Lot depth: 33.47 m • Lot area: 508.17 m² • Rear Yard Area: 114.3 m² |
| Unit Details: | <ul style="list-style-type: none"> • Studio: 4 • 1-Bedrooms: 8 • 2-Bedrooms: 4 • Total: 16 |

| EXISTING ZONING BY-LAW R4UB Low-rise Apartment Dwelling | Requirement | Provided | Section |
|---|---|--|---|
| Unit Max Low-Rise Apartment | OLT Decision: 16 units | Maximum 16 units | Section 162, Table 162A |
| Minimum No. of 2-Bedroom Units | 25% | 25% | Section 161(16)(b)(i) |
| Minimum Lot Width | 15 m | 15.24 m | Section 162, Table 162A |
| Minimum Lot Area | 450 m ² | 508.17 | Section 162, Table 162A |
| Max Building Height | 11 m | 10.85 m | Section 162, Table 162A |
| Minimum Front Yard Setback | Lesser of the average of abutting lots' corresponding FYS (~ 5.5 m) or 4.5 m | 4.50 m | Section 144(1)(a); Section 162, Table 162A |
| Minimum Rear Yard Setback | Lot line does not abut an R1-R4 zone. 25% of the lot depth and need not exceed 7.5 m | 7.5 m | Section 144, Table 144A |
| Minimum Interior Yard Setback | 1.5 m | 1.5 m | Section 162, Table 162A |
| Minimum Area of Soft Landscaping in Rear Yard | On a lot less than 450 m ² in area or greater: 50% of yard = 57.15 Minimum aggregate area of 25 m ² , with a longer dimension <= 2 x shorter dimension | 58.9 m ² (51%) Min. Aggregate: 25 m ² | Section 161(15)(b)(i) Section 161(15)(b)(iv) |

| | | | |
|--|---|----------------------|----------------------------------|
| Minimum Aggregate Front Yard Soft Landscaped Area | 40% | 47.8% | Section 161, Table 161 |
| Minimum Fenestration requirement | Front facade: at least 25% windows | 40% | Section 161(15)(g) |
| Minimum Front Facade Additional Recess | 20% an additional 0.6 m from the front setback line (except where balconies or porches are provided for each storey at or above the first storey) | Balconies provided. | Section 161(15)(h) |
| Parking: Area X | | | |
| Minimum Number of Parking Spaces (Resident) | OLT Decision: 0 spaces | 0 spaces | Section 110 |
| Minimum Number of Parking Spaces (Visitor) | 0 parking spaces | 0 spaces | Section 102 |
| Maximum Parking Near Transit Station | Max 1.75 per d/u combined resident and visitor: 28 spaces | 0 | Section 161(16)(a) |
| Maximum Walkway | For a low-rise apartment: 1.8 m | 1.8 m | Section 139(4)(c)(i) |
| Minimum Bicycle Parking | 0.5 per dwelling unit : 8 spaces | 16 spaces | Section 111, Table 111A(b) |
| Rear Yard Setback | | | |
| Rear Yard Setback | OLT Decision: 0.6 m | 0.15 m | Section 55, Table 55 (3)(II)(ii) |
| Interior Yard Setback | OLT Decision: 0.55 m | 0.55 m | Section 55, Table 55 (3)(II)(ii) |
| Maximum Height | 3.6 m | 3.2 m | Section 55, Table 55 (5) |
| Maximum Size | Not exceed 50% of yard and not exceed 55m ² | 21.12 m ² | Section 55, Table 55 (6) |
| Maximum Number of Accessory Buildings | 2 | 1 | |

4.0 APPROVED MINOR VARIANCES:



BUILT FORM COMPLIANT

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: July 08, 2024

CASE NO(S).: OLT-24-000517

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

| | |
|----------------------|--|
| Applicant/Appellant: | Jersey Developments Inc. |
| Subject: | Minor Variance |
| Description: | To construct a three-storey, 16-unit low rise apartment building |
| Reference Number: | D08-02-24/A-00027 |
| Property Address: | 370 Athlone Avenue |
| Municipality/UT: | Ottawa/Ottawa |
| OLT Case No.: | OLT-24-000517 |
| OLT Lead Case No.: | OLT-24-000517 |
| OLT Case Name: | Jersey Developments Inc. v. City of Ottawa |

Heard: July 3, 2024 by Video Hearing

APPEARANCES:

Parties

Counsel

Jersey Developments Inc.
("Applicant")

Crystal McConkey
Jordan Rivera, *student-at-law*

City of Ottawa
("City")

Not represented

**MEMORANDUM OF ORAL DECISION DELIVERED BY JEAN-PIERRE BLAIS ON
JULY 3, 2024 AND FINAL ORDER OF THE TRIBUNAL**

[Link to the Order](#)

INTRODUCTION

[1] The Applicant seeks to redevelop a property at 370 Athlone Avenue (“Subject Property”) in the City through the construction a three-story building containing 16 units, with an accessory building to accommodate a garbage shed and a 16-unit bike-parking area. To this end, the Applicant requested the following four minor variances from the City’s By-law No. 2008-250 (“By-law”):

- a. To permit 16 dwelling units in a low-rise apartment building, whereas the By-law permits a maximum of 12 dwelling units in a low-rise apartment building (s. 162, Table 162A);
- b. To permit zero parking spaces, whereas the By-law requires a minimum of two parking spaces (s. 101);
- c. To permit a reduced setback for an accessory building of 0.15 metres from the rear lot line, whereas the By-law requires 0.6 metres (s. 55, Table 55(3)(II)(ii); and,
- d. To permit a reduced interior side yard setback for an accessory building of 0.55 metres, whereas the By-law requires a minimum 0.6 metres (s. 55, Table 55(3)(II)(ii).

[2] On April 26, 2024, the City’s Committee of Adjustment denied the requested variances.

[3] The Applicant filed an Appeal pursuant to s. 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13 (“Act”).

[4] The City's Legal Services informed the Tribunal that it did not have instructions to appear at the hearing.

NOTICE

[5] Notice of the hearing was sent administratively by the Tribunal on May 29, 2024. No other person sought Party or Participant status.

SUBJECT LANDS AND SURROUNDINGS

[6] The Subject Property is located on the west side of Athlone Avenue in Westboro. It has a frontage of 15.24 metres, a depth of 33.47 metres and a total area of approximately 508 square metres. Pursuant to the City's Official Plan ("OP"), it is designated 'Neighbourhood' with an 'Evolving Neighbourhood' overlay within the Inner Urban Transect.

[7] The Subject Property is currently occupied by a one-storey detached dwelling and two accessory buildings, which are all to be demolished.

[8] The Subject Property is surrounded by single-storey dwellings to the south and the north. A commercial site at 277 Richmond Road is to the west, and a parking lot for a commercial building across the street to the east.

[9] The Subject Property is located approximately 45 metres from Richmond Road, a Mainstreet Corridor, and 300 metres from Westboro Transit Station (approximately a 4-minute walk).

EVIDENCE AND ANALYSIS

[10] The Tribunal considered the uncontested evidence of Christine McCuaig, a Principal Senior Planner with Q9 Planning and Design Inc. The Tribunal qualified Ms. McCuaig to provide expert opinion evidence in land use planning. Her evidence is summarized in her Witness Statement filed with the Tribunal on June 24, 2024 and marked as **Exhibit 1**.

[11] Ms. McCuaig testified with respect to the four-part test set out at s. 45(1) of the Act, as well as the other relevant statutory tests under the Act.

General Intent and Purpose of the By-Law is Maintained

[12] Ms. McCuaig testified that the general intent and purpose of the By-law is to allow a wide mix of residential building forms ranging from detached to low-rise apartments in the R4UB zone. The By-law seeks, in her opinion, to regulate development in a manner that is compatible with existing land use patterns and allows other residential uses to provide additional housing choices. A low-rise dwelling is permitted in the R4 zone. She opined that increasing the maximum number of units from 12 to 16 will not compromise landscaping, as well as the ability to accommodate waste storage and bike parking. She noted that there was no variance sought for the yard setbacks for the primary building.

[13] With respect to parking, she explained that the By-law does not require parking spaces for low-rise apartment buildings with 12 or fewer units, and only requires two parking spaces when the number of units is increased to 16. She opined that the By-law acknowledges the Inner Urban areas of the City are more bikeable, walkable and are in proximity to transit. The intent, she explained, is to encourage smaller infill apartments that prioritize greenspace and housing on smaller lots, rather than paved parking space. Thus, in her opinion, the absence of parking spaces for the proposed development is acceptable, particularly given that the bicycle parking rate is proposed to be one per unit rather than 0.5 per unit as set out in the By-law. The elimination of parking spaces is highly supportable.

[14] Ms. McCuaig testified that the purpose of setbacks for accessory building is to ensure adequate space for maintenance. She explained that materials for the proposed accessory building have a 40-year life span and will not require maintenance for the life of the proposed buildings. She also explained that the fence has been removed and will thus not require maintenance. She opined that there was no justifiable reason to provide additional setbacks. In her view, the proposed variances with respect to setbacks would

eliminate unutilized space and would prioritize useable space for amenities and landscaping.

[15] It is her professional opinion that the general intent and purpose of the By-law is met.

General Intent and Purpose of the OP is maintained

[16] Ms. McCuaig testified that the requested variances fully contribute to the planned direction for growth within the urban area in the City's OP by prioritizing housing, intensification, greenspace, 15-minute neighbourhoods and active transportation. She also explained that proposed three-storey built form is permitted and is compatible with existing building heights in the area. She noted alignment with s. 2, 3, 4.1.2, 4.6, 5.2, 5.6.1 and 6 of the OP, while noting the proximity of the Subject Property to amenities, Richmond Road (a Mainstreet Corridor) and the Westboro Transit Station.

[17] It is her professional opinion that the general intent and purpose of the OP is met.

Desirable for the Appropriate Development and Use

[18] Ms. McCuaig testified that the proposed development is appropriate and desirable. She noted that the proposed development would contribute, through intensification, to the supply of new housing in a manner that is compatible with the surrounding area. The increase in the number of residential units will not increase the permitted built form and will not compromise space for amenities and landscaping. She underscored that the reduction of parking spaces and the reduced setbacks represents a more efficient land use in a transit-supported area.

[19] It is her professional opinion that the "appropriate development" test is met.

Variations are Minor

[20] Ms. McCuaig testified that the increase in the number of units does not alter the zoning-compliant built form, which is also fully compliant with yard set back performance

standards for the primary building. The proposed development includes studios, 1-bedroom units and 2-bedroom units, the latter meeting the 25% requirement in the By-law. The proposed development will offer accessible units using an accessible ramp on the south side of the building. The distance between the primary building and the accessory building exceeds the minimum requirements.

[21] Ms. McCuaig opined that the reduction of vehicle parking spaces will have no impact on the residents of these rental units as they will be aware of the absence of dedicated parking spaces before renting, as well as the availability of active transportation option to amenities and the availability of transit in proximity to the Subject Property.

[22] The witness also explained that the proposed accessory building is significantly smaller than the existing two accessory structures. The Subject Property abuts to the rear a commercial property, where loading and other operations occur. The proposed setback variances will allow an appropriately sized accessory building. In her opinion, there will be no impact because of these two setback variances.

[23] It is her professional opinion that the requested variances, both individually and collectively, are minor.

CONCLUSION

[24] Based on the uncontested evidence of Ms. McCuaig (which the Tribunal accepts), the Tribunal finds that the requested variances meet the four-part test set out at s. 45(1) of the Act. Considering the resulting intensification, the proximity of transit and amenities, and the increased supply of housing, the Tribunal also finds that the proposed development has regard to the relevant matters of provincial interest set out at s. 2 of the Act and that it is consistent with the Provincial Policy Statement 2020 as required under s. 3(5)(a) of the Act.

ORDER

[25] **THE TRIBUNAL ORDERS THAT** the appeal is allowed and the variances to By-law No. 2008-250 of the City of Ottawa are allowed.

“Jean-Pierre Blais”

JEAN-PIERRE BLAIS
MEMBER

Ontario Land Tribunal

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The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

5.0 CONCLUSION

This report confirms that the proposed uses are permitted and that the development as proposed is in conformity with the relevant zoning performance standards.



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