

Subject: Zoning By-Law Amendment- 154 O'Connor Street

File Number: ACS2023-PRE-PS-0001

Report to Planning and Housing Committee on 18 January 2023

and Council 25 January 2023

**Submitted on January 4, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Somerset (14)

Objet : Modification du Règlement de zonage – 154, rue O'Connor

Dossier : ACS2023-PRE-PS-0001

Rapport au Comité de l'urbanisme et du logement

le 18 janvier 2023

et au Conseil le 25 janvier 2023

**Soumis le 4 janvier 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

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REPORT RECOMMENDATIONS

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 154 O'Connor Street, as shown in Document 1, to permit a temporary parking lot use for a period of three years, as detailed in Document 2.**
- 2. That Planning and Housing 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 January 25, 2023” 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 la planification et du logement recommande au Conseil d’approuver une modification au Règlement de zonage 2008-250 relativement au 154, rue O’Connor, comme le montre le document 1, afin de permettre une utilisation comme parc de stationnement temporaire pour une période de trois ans, comme le précise le document 2.**
- 2. Que le Comité de la planification et du logement donne son approbation afin 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 janvier 2023 », 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

154 O’Connor Street

Owner

TKS Holding Inc.

Applicant

FOTENN Consultants Inc.

Description of site and surroundings

The site (measuring 912.0 square metres) is located on the southwest corner of O'Connor Street and Gloucester Street. The current use on-site is a take-out restaurant with accessory surface parking spaces.

The area is characterized by mix of housing from low- to high-rise apartment buildings, along with various retail, commercial and institutional uses.

Summary of requested Zoning By-law amendment proposal

The purpose of the application is to permit the temporary use of some of the site's existing surface to be used for the Owner's adjacent permitted commercial parking lot. Five out of the 16 parking space are proposed to be reserved for the restaurant and the remaining spaces are proposed to be shared with the neighbouring property. Most site changes have been previously implemented through a Site Plan; However, additional planter boxes are proposed to enhance the site landscaping.

Brief history of proposal

In 2010, the Planning and Environment Committee recommended passing a temporary use by-law for the parking lot use. This recommendation was adopted by Council in November 2010. The temporary use permission expired November 18, 2013.

In June 2014, Council directed the Planning and Growth Management Department (PGM) to bring forward a Zoning By-law to permit an extension of a parking lot as a temporary use at 154 O'Connor Street, and subject to such performance standards as may be appropriate to support a restaurant use. The necessary Site Plan and Zoning By-law Amendment applications were processed, and Council approved the temporary parking lot at this location, for a period of three years beginning March 25, 2015 and expiring March 24, 2018. The pandemic has reduced the need for parking; However, the Applicant indicated that demand is slowly returning and anticipates the need for the additional spaces once again.

DISCUSSION

Public consultation

Public notice of the application was provided in accordance with the City's Public Notification and Consultation Policy. One response was received from a member of the public generally opposing the application.

Official Plan designation(s)

Official Plan (2022)

The Official Plan designates the subject property as a Hub within the Downtown Core Transect. These two designations are meant to support the majority of the City's employment growth and residential intensification. Specifically, the Hub is a designation that is established based on an areas proximity to transit corridors and are areas that are planned for a mix of uses and higher densities to support the transit system. Any redevelopment in these areas shall be designed in a manner that contributes to the public realm and minimizes the reliance on the automobile.

Planning rationale

The site was previously owned by Shell Canada Limited and was used as a legal non-conforming service station and gas bar. A rezoning in 2010 and in 2014 permitted a temporary parking lot each for a maximum of three years. At that time the zoning exception added a provision that would allow tandem and attendant parking. This clause permits cars to be parked in parking spaces as well as in areas that would otherwise be used for drive aisles, resulting in a congested auto-oriented use of the site, which doesn't comply with the current policy direction.

Section 4.1.4 of the Official Plan requires that the City manage and gradually reduce the supply of surface parking lots within Hubs. The recommended temporary zoning would limit the number of commercial parking spaces to 16, free up the drive aisles for the restaurant, and would ensure that the lot is not congested as it was previously. From the perspective of the street, these parking spaces will be interpreted as being used for the restaurant business and will not read as a standalone, car-oriented use. For this reason, it is recommended that Exception 1789 is modified, as follows, to maintain this appearance:

Retaining "a principal use parking lot is only permitted on the lot with another permitted use"

And

Removing the text “tandem parking and attendant parking are permitted within a principal use parking lot”

In terms of the future plans for the site, redevelopment will require land consolidation and a variety of supporting plans and studies. Additionally, given the previous use of the site, soil remediation will likely be necessary. These costs and constraints are a contributing factor to the delay in development.

Official Plan Policy 5.1.2(3) expressly prohibits the establishment of surface parking lots within the Downtown Core. However, the proposal is not establishing a new lot, rather it is promoting the temporary use of parking spaces that are not required by the existing fast-food restaurant use. Through the existing exception, the restaurant has a minimum parking of 0 spaces; However, should the restaurant require more than the five spaces provided through this amendment, the zoning will provide the flexibility to reallocate spaces when necessary.

Finally, the *Planning Act* and Official Plan provides Council the ability to enact temporary use By-laws that are for periods of not more than three years. The City is under no obligation to provide extensions to such uses if it is deemed to conflict with the long-term objectives of the Official Plan. Therefore, subsequent requests for extension to the temporary period may not be viewed favourably, given the Official Plan and Secondary Plans vision for the downtown core to progressively become less car-oriented.

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 as a result of this proposal.

COMMENTS BY THE WARD COUNCILLOR(S)

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

ADVISORY COMMITTEE(S) COMMENTS

Not applicable

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 two 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 associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications. 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

No adverse impacts are anticipated from the approval of this temporary use parking lot. The site also has hard surface treatments that lead from the restaurant to the City sidewalk.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-22-0063) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the timing of the availability of Committee meetings resulting from election.

SUPPORTING DOCUMENTATION

Document 1 Location and Zoning Key Map

Document 2 Details of Recommended Zoning

CONCLUSION

In conclusion, Planning, Real Estate, and Economic Development staff are supportive of the re-establishment of a temporary parking lot in this location. The site has evolved significantly from a gas station with very minimal landscaping, to a congested tandem/attendant parking lot, and now to the proposed condition which is one that has less parking spaces, and a more desirable use (restaurant), along with physical improvements to the site's landscaping which contributes to the public realm. This progressive improvement is consistent with the Official Plan policies that require developments within the Downtown Core to become less auto-oriented.

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 and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

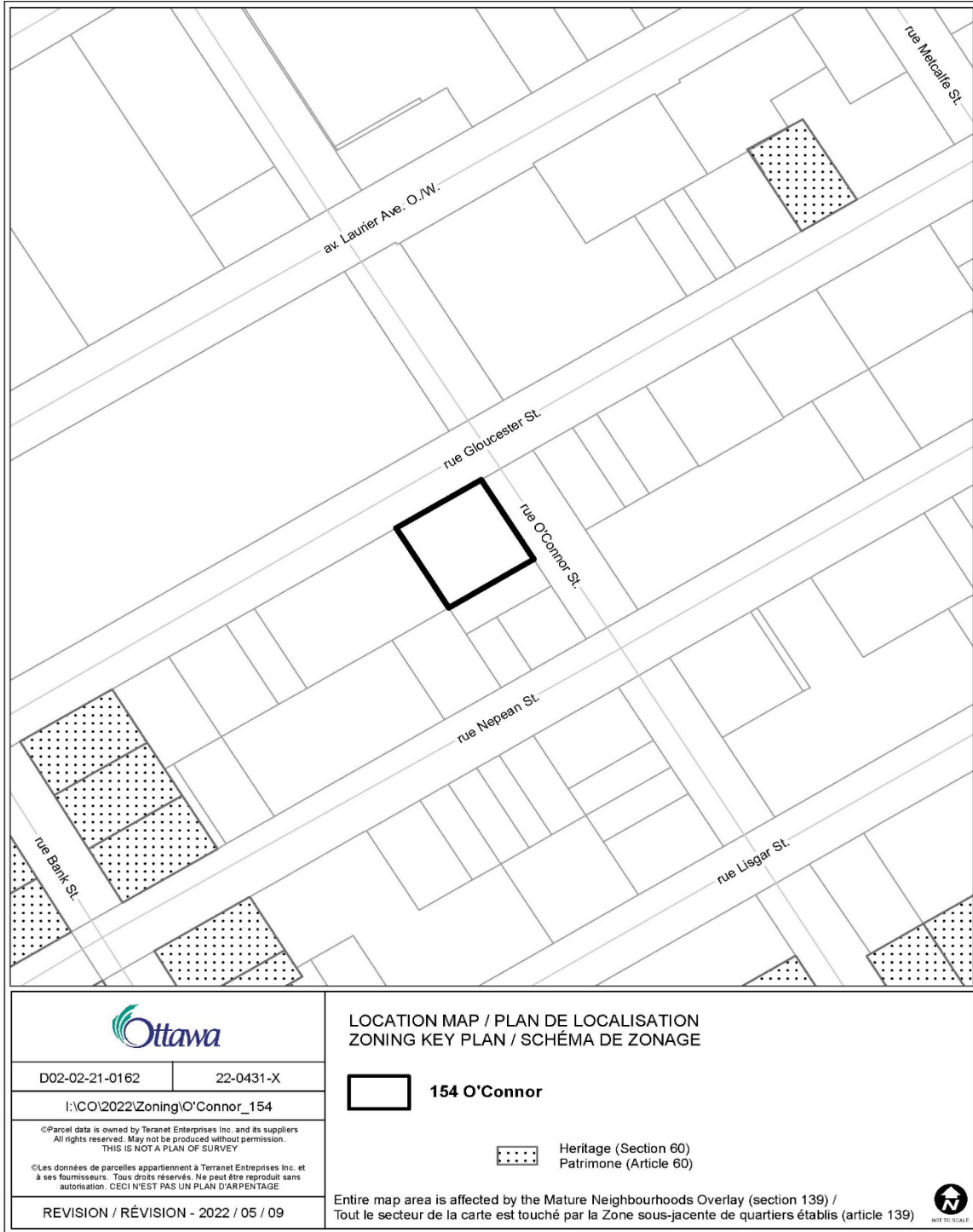
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

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

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



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REVISION / RÉVISION - 2022 / 05 / 09

LOCATION MAP / PLAN DE LOCALISATION
ZONING KEY PLAN / SCHÉMA DE ZONAGE

 **154 O'Connor**

 Heritage (Section 60)
Patrimoine (Article 60)

Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) /
Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 154 O'Connor Street:

1. Amend section 239, exception 1789, with provisions similar in effect to the following:
 - a. In column V, Exception Provisions:
 - i. replacing the text “a principal use parking lot is permitted as a temporary use effective March 25, 2015 and expiring March 24, 2018” with “a principal parking lot is limited to 16 parking spaces for a temporary period of three years beginning on [the date of passing of this by-law.]”
 - ii. removing the text “tandem parking and attendant parking are permitted within a principal use parking lot