

**Subject: Zoning By-law Amendment - 253, 255 and 257 York Street and 78 and  
80 Nelson Street**

**File Number: ACS2023-PRE-PS-0005**

**Report to Planning and Housing Committee on 27 February 2023  
and Council 8 March 2023**

**Submitted on February 16, 2023 by Derrick Moodie, Director, Planning Services,  
Planning, Real Estate and Economic Development**

**Contact Person: Jean-Charles Renaud, Planner, Development Review Central  
613-580-2424 x27629, Jean-Charles.Renaud@ottawa.ca**

**Ward: Rideau-Vanier (12)**

**Objet : Modification au Règlement de zonage – 253, 255 et 257, rue York; 78  
et 80, rue Nelson**

**Dossier : ACS2023-PRE-PS-0005**

**Rapport au Comité de la planification et du logement**

**le 27 février 2023**

**et au Conseil le 8 mars 2023**

**Soumis le 16 février 2023 par Derrick Moodie, Directeur, Services de la  
planification, Direction générale de la planification, des biens immobiliers et du  
développement économique**

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

**613-580-2424 x27629, Jean-Charles.Renaud@ottawa.ca**

**Quartier : Rideau-Vanier (12)**

## REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 253, 255 and 257 York Street and 78 and 80 Nelson Street, as shown in Document 1, to facilitate additions to two existing residential buildings resulting in a conversion to a single building containing 57 dwelling units and 38 rooming units, 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 March 8, 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 municipal d'apporter une modification au *Règlement de zonage* n° 2008-250 pour le 253, le 255 et le 257, rue York et pour le 78 et le 80, rue Nelson, comme l'indique la pièce 1, afin de permettre d'annexer les deux habitations existantes et de les convertir en une même habitation de 57 logements et de 38 chambres, selon les modalités précisées dans la pièce 2;
2. Que le Comité de la planification et du logement approuve l'intégration de la section Détails de la consultation du rapport dans le cadre de la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffier municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux "explications obligatoires" de la *Loi sur l'aménagement du territoire* à la réunion que tiendra le Conseil municipal le 8 mars 2023 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision.

## 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**

253, 255,257 York Street and 78 and 80 Nelson Street

**Owner**

253 York Holdings Inc. and 80 Nelson Holding Inc.

**Applicant**

Lisa Dalla Rosa (Fotenn)

**Architect**

Ottawa Carleton Construction

**Description of site and surroundings**

The subject site is located within the northwest corner of the York Street and Nelson Street intersection, in the Lowertown neighbourhood. The irregular-shaped site has approximately 40.3 metres of frontage on York Street and 38.1 metres of frontage on Nelson Street and has an area of 1,535 square metres. The site is currently zoned Residential Fourth Density Zone, Subzone UD (R4UD) and is occupied by a three-storey apartment building with ground floor commercial space and 37 dwelling units located at 253, 255 and 257 York Street, and a two-storey rooming house containing seven rooming units located at 78 and 80 Nelson Street. Both existing buildings are proposed to be retained.

Within the immediate vicinity of the subject site, the neighbourhood is generally characterized by low-rise residential dwellings. To the north of the site are two-storey residential dwellings that are listed on the Heritage Register. To the south across York Street are low-rise residential dwellings ranging between two- and three-storeys, and to the east of the site are two-storey residential dwellings. To the west of the site are two-storey residential buildings and further west is King Edward Avenue.

The existing rooming house at 78 and 80 Nelson Street currently holds a license for the operation of a rooming house, which is required to be renewed annually. Once the additional 20 rooming units are added a new license will be required in order to continue this use and, since the rooming house portion functions independent of the apartment, there are no anticipated issues in obtaining an annual license. The licensing process

requires compliance with the requirements of zoning, building code, public health, fire code and property standards, along with commercial general liability insurance. The owner must ensure regular inspections and maintenance on the property in accordance with the annual license.

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

The purpose of the application is to accommodate the redevelopment of the property to construct a four-storey addition to the east with 20 dwelling units, including three barrier-free units, and a three-storey addition to the north with 26 rooming units. The proposed additions will result in one residential use building across the consolidated properties. The proposed development also includes a building connection along with the removal of the rear surface parking area. The eastern addition will be accessed via a common lobby facing Nelson Street, which provides access to an elevator, or via a rear entrance facing the interior of the site. The northern addition will be accessed via the existing entrance on the building facing Nelson Street or via a proposed rear stairwell. A total of 52 bicycle parking spaces are proposed within the rear yard that will be accessed via the carriageway from Nelson Street. The applicant is proposing 194 square metres of common outdoor amenity area through an outdoor courtyard space located at the northeastern corner of the subject site.

The applicant seeks to rezone the subject site from Residential Fourth Density Zone Subzone UD (R4UD) to permit the following requested relief:

- To provide a Minimum Front Yard setback of 0m whereas 4.5m is required.
- To provide a Minimum Corner Yard setback of 0m whereas 4.5m is required.
- To provide 27 per cent of the lot area as landscaped whereas 30 per cent of the lot area is required.
- To provide 0 resident and visitor parking spaces, whereas 29 resident parking spaces and 4.5 visitor parking spaces are required.
- To permit dwelling units and rooming units within the same building whereas rooming units and dwelling units are not permitted in the same building.
- To introduce the Residential Neighbourhood Commercial suffix in order to recognize the existing legal non-conforming commercial space located at grade.

- To consider all lands associated with this development to be one lot for zoning purposes.

A Site Plan Control application for this proposal is currently being reviewed by Staff.

## **DISCUSSION**

### **Public consultation**

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.

Comments were received from eight residents, who raised concerns related to safety, parking, general design and trees. Comments were also received from the Lowertown Community Association.

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

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

The property in question is located within the Downtown Core Transect Policy Area, according to Schedule A of the Official Plan. The Downtown Core Transect is described as a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced.

According to Schedule B1 of the Official Plan, the property is located within the Evolving Neighbourhood designation. Neighbourhoods are considered to be the heart of communities, where a mix of building forms and densities are permitted. The Evolving overlay signals a gradual evolution over time that will see a change in character to support intensification.

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

N/A

### **Heritage**

While the property is on the Heritage Register, it is not designated under Part IV of the *Ontario Heritage Act*. For this reason, Heritage Staff did not outline any Heritage requirements or concerns.

## Urban Design Review Panel

N/A

## Planning rationale

Official Plan

The site in question is located within the Downtown Core Transect Policy area on Schedule A of the Official Plan. The Policy Area is described as being the historic, geographical, physical, cultural, symbolic and employment hub of the National Capital Region, as well as a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced. It intends on maintaining and enhancing an urban pattern of built form and site design in an attempt to foster the development of 15-minute neighbourhoods. Residential densities sufficient to supporting a full range of services needed in these neighbourhoods is key to achieving this. These higher densities found in the Downtown Core are also intended occur without the provision of parking, or with shared parking facilities.

The property is designated as an Evolving Neighbourhood on Schedule B1 of the Official Plan. Neighbourhoods represent areas that are intended to accommodate residential growth to meet the Growth Management Framework outlined in Section 3 of the Official Plan. The intent of these policies is to ensure that an appropriate range and mix of housing types are provided in areas where existing services are located with access to the City's transportation network. Neighbourhoods are considered to be the heart of communities, where a mix of building forms and densities are permitted. According to Section 6.3 the permitted height within Neighbourhoods will generally be limited to low-rise. Policies permit compatible and complimentary small-scale non-residential and service uses in order to provide for a range of local services and promote the emergence or strengthening of 15-minute neighbourhoods.

Section 5.6.1 describes the Evolving overlay as a means to provide built-form direction in cases where a change in character is anticipated. The Evolving overlay signals a gradual evolution over time that will see a change in character to support intensification through the allowance of new built forms and typologies as well as through direction to built form and site design that would help support an evolution towards more urban built form.

Section 4.2 Housing seeks to enable greater flexibility and an adequate supply and diversity of housing options throughout the City. Section 4.2.1 looks to enable greater

flexibility and an adequate supply of housing options in part by allowing housing forms of eight-units or more in appropriate locations.

Section 4.6 Urban Design seeks to enable the sensitive integration of new development to ensure Ottawa meets its intensification targets while considering liveability for all. Policy 4.6.6.6 states that low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

The proposal seeks to make additions to existing buildings in order to provide additional units within the neighbourhood, as well as a small-scale commercial use. The proposal will bring architectural elements to the façade which will be consistent with the existing character of the neighbourhood. The proposal will also see the removal of hard surfaces in favour of an active building façade as well as amenity space. Staff are of the opinion that the proposal is consistent with Official Plan policies.

#### Recommended Zoning Details

As detailed in Document 2, the proposed Zoning By-law Amendment has the effect of rezoning the site to include site specific provisions. The following summarizes the site-specific zoning provisions and planning rationale:

- The proposal seeks a reduction in front yard setback (Nelson Street) and corner side yard setback (York Street) from 4.5 metres down to 0 metres. The zoning relief would recognize the existing legal non-complying setback along York Street and facilitate the extension of the existing legal non-complying setback along Nelson Street.
- The proposal seeks to reduce the amount of required landscaped area on the property from 30 per cent to 27 per cent. While the proposal does not quite meet the Zoning By-law's minimum requirement for landscaped areas, the amount of soft landscaping introduced by this proposal is increased from the current site context.
- The proposal seeks to reduce the number of parking spaces required to zero for both regular spaces and visitor parking spaces. The site is conveniently located in the downtown core, within walking distance to shopping, services and transit and is well-connected to the cycling network. In order to support this type of mobility, the proposal also includes bicycle parking spaces at a rate almost

doubling the Zoning By-law's minimum requirements. Additionally, staff will be imposing a condition of approval at the Site Plan Control stage which requires a notice to be registered on title, informing future tenants that units being rented are not provided any on-site parking. This approach to parking is consistent with Official Plan policies within the Downtown Core Transect which strive to prioritize walking, cycling and transit within the Downtown Core. These policies state that parking is not to be required in new development and that new or expanded surface parking lots are to be prohibited within the Downtown Core. While this proposal does not represent an entirely new development, these policies are indicative of the City's stance on the provision of parking within this area. OP policies also state that reductions in parking below what is required are to be justified with the provision of enhanced bicycle parking. As discussed previously, the proposal includes bicycle parking well in excess of the Zoning By-law's requirement, some of which are located within a protected shelter.

- The proposal includes additions to existing buildings which will have the effect of combining two separate buildings into one. Seeing as one building currently houses rooming units and the other currently houses traditional dwelling units, this will have the effect of combining the two unit types into the same building, which is not permitted under Section 132 of the Zoning By-law. The proposed amendment to allow rooming units along with traditional dwelling units will permit the development of a range of housing options within the proposed building whereas such mixture of units is traditionally not permitted. Although it will be considered as a single building under the Ontario Building Code, there will be no internal connections between the two additions.
- A legal non-complying commercial space currently exists within the York Street building. The space was occupied by various restaurants until May 2019, at which point renovations had begun within the building which made the space temporarily unavailable. In order to ensure that the legal non-conforming rights to a commercial space are not lost, the proposal includes the addition of the Residential Neighbourhood Commercial suffix to the zone. This commercial suffix is meant to allow 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. This, in turn, is consistent with the Official Plan's Neighbourhood policies mentioned earlier.
- The proposal is located on a lot assembly. While the developer owns all affected properties, they are registered under different entities. Out of an abundance of



caution a provision will be added to the site-specific exception in order to consider all lands affected by the exception to be one lot for zoning purposes.

Staff are of the opinion that the proposed Zoning By-law amendment is appropriate for this site.

### **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.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

The 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-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. An external planner would need to be retained by the City.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

### **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 applications are 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 additions will be required to meet the accessibility criteria contained within the *Ontario Building Code*. The applicant has indicated that a number of dwelling

units will be made to be fully accessible. Staff have no concerns about accessibility.

### **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-21-0088) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to workload issues and the file being put on hold for some time.

### **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 Renderings

### **CONCLUSION**

The Planning, Real Estate and Economic Development Department supports the application and proposed Zoning By-law Amendment. The proposal is consistent with the Official Plan policies in the Downtown Core Transect Policy Area, as well as those related to evolving neighbourhoods, housing and urban design. The proposed Zoning By-law amendment is appropriate for the site and maintains policy objectives. The amendment represents good planning and, for the reasons stated above, staff recommends approval of the Zoning By-law amendment.

### **DISPOSITION**

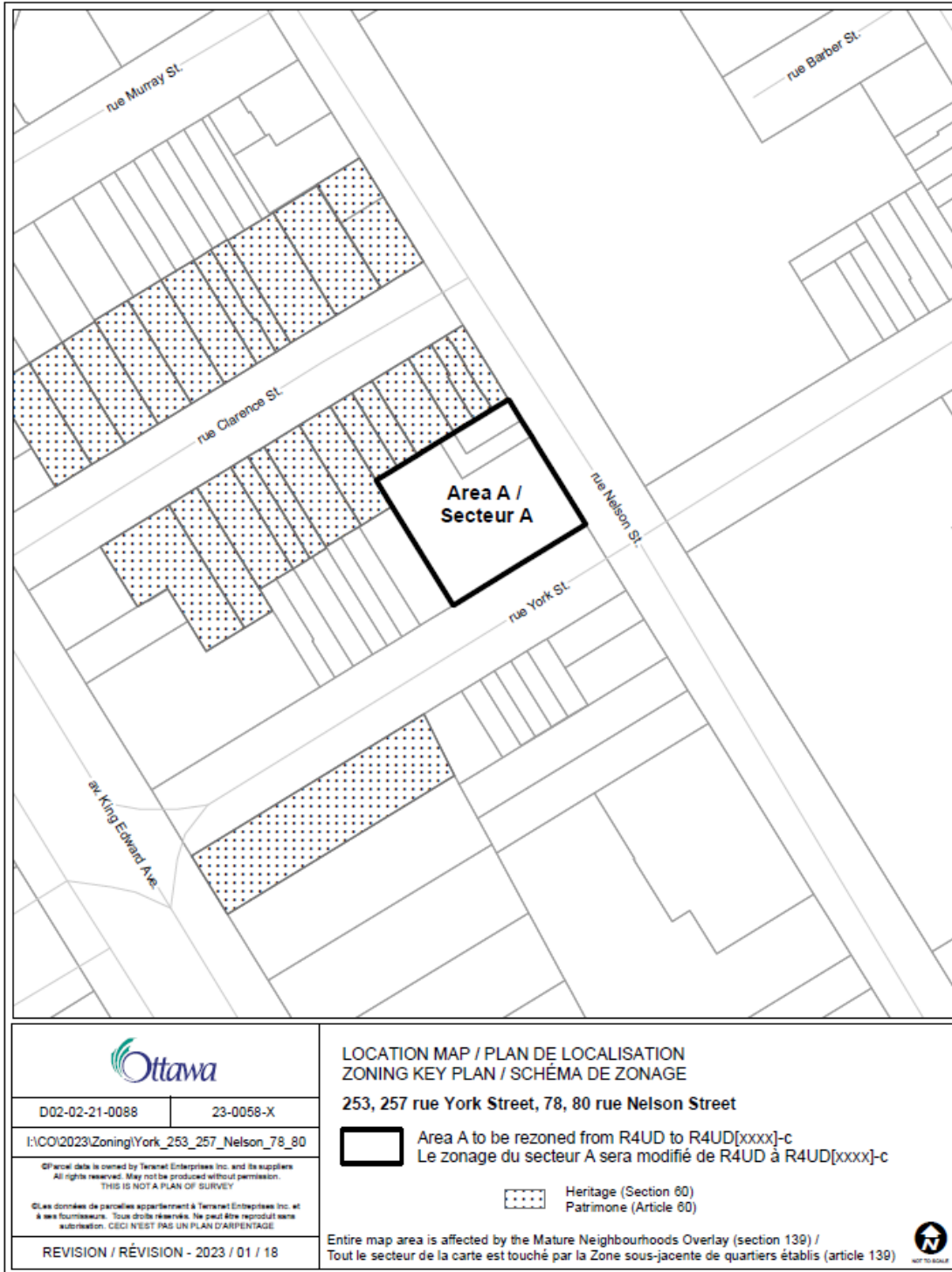
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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, Planning Services to undertake the statutory notification.

Document 1 – Zoning Key Map



For an interactive Zoning map of Ottawa visit [geoOttawa](https://geoottawa.com)

## Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 253, 255 and 257 York Street and 78 and 80 Nelson Street:

Add a new exception with provisions similar in effect to the following:

- 1) Rezone the lands as shown in Document 1.
- 2) Add new exception xxxx to Section 239 – Urban Exceptions with provisions similar in effect to the following:
  - a. In Column I, Exception Number, add the text "xxxx"
  - b. In Column II, Applicable Zones, add the text "R4UD[xxxx]-c"
  - c. In Column V, Provisions, include provisions similar in effect to the following:
    - i. Minimum front yard setback: 0m
    - ii. Minimum corner yard setback: 0m
    - iii. A minimum of 27 per cent of the lot area must be provided as landscaped area
    - iv. Minimum number of parking spaces: 0
    - v. Minimum number of visitor parking spaces: 0
    - vi. A rooming house may occupy a building containing dwelling units
    - vii. The lands zoned R4UD[xxxx]-c are to be considered one lot for zoning purposes.

### **Document 3 – Consultation Details**

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

#### Public Comments and Responses

##### 1 - General

- The project is too big for the area. It will make the area too busy and crowded.
- We do not feel that the owners of the building have any interest in or concern for the effect of their project(s) on the local residents.
- Increasing the number of short-term rental units makes the space effectively into a hotel, but without the infrastructure and oversight that comes with a hotel.
- The building renovation at 253-257 that was so recently finished is already in disrepair, with exposed wiring and broken windows at street level.
- The constant construction noise that we endured while the building was being renovated often started very early in the morning and continued well into the evening, prompting my neighbours closest to the site to call by-law repeatedly.
- The rear yard is full of trash and debris and has been so all summer. Also all summer the front yard was full of weeds and dead plants. If they can't maintain the property with the number of units they presently have, how are they going to maintain it with an increased number of units and a concomitant increase in garbage?
- The application claims that the development respects the City's OP Section 2.5.1 which requires adaptability and diversity. The homogenous provision of single-occupant dwelling units does not support the diversity of family and household types already living and enjoying life on York Street and in Lowertown. The proposed homogenous development of bachelor apartments and rooming units supports the operation of a hotel or, at best, an off-campus short-term residence building for University of Ottawa students.

Staff Response: These concerns have been shared with the applicant but remain within the purview of the By-law Enforcement group. Short term rentals (such as AirBnB) are not part of the property owners' model. While there were some tenants that operated units as AirBnB in the past, the introduction of the short-term rental bylaw gave the owners the leverage to terminate the leases for these tenants.

## 2 - Safety

- The building operates effectively as an unsupervised, poorly maintained hotel and it does not provide a safe place.

Staff Response: Through the ongoing Site Plan Control review discussions, the applicant has agreed to include a gate at the Nelson Street carriageway entrance to the site, which will help control undesired access into the site.

## 3 - Parking

- The lack of parking provision for the building means that what is already a complicated parking situation on our street will become even more so.

Staff Response: The proposed reduction to the parking rate is consistent with Official Plan policies for the Downtown Core Transect which seek to prioritize walking, cycling and transit within the area and to discourage surface parking lots. The owner's intent is to attract tenants who do not own vehicles. Through the Site Plan Control application, a warning clause will be required to be added to the title of the property informing any future residents that parking is not provided for the site. A total of 62 bicycle parking spaces will be provided on site, which is greater than the Zoning By-law's requirements.

## 4 - Urban Design

- The character of the building is at odds with the character of the neighbourhood and making it larger will only increase that dissonance. The neighbourhood is composed of two story, brick and wood townhouses. The building has been cheaply resurfaced and does not harmonize with the existing properties on the street.
- The units are designed to be as small as possible and to provide the least amount of diversity and adaptability. The result is an unarticulated façade that is devoid of visual interest which is not compatible with surrounding buildings.
- The proposed addition of a fourth storey will eliminate the morning sun on my south facing property. This will also affect the chance of survival for the existing large heritage tree in my yard.

Staff Response: The applicant has agreed to remove the black cladding previously added to the Nelson Street building, in favour of the original brickwork. Brick cladding will also be carried over into the new portion of the Nelson Street façade in order to provide a better fit with the neighbourhood. A variety of materials will be used in order to

add more visual interest to the façade. The proposed height is consistent with the requirements of the Zoning By-law.

#### 5 - Site Design

- The landscaping choice of loose stones at the front of the building on York Street means that the sidewalk and road are always covered in these stones, which then block the street drains causing the street to flood.

Staff Response: No change is being proposed to the landscaping treatment of the York Street façade. The Nelson Street façade proposes sodded areas as well as three new trees.

#### 6 - Trees

- There is a century old tree in my backyard along the fence line, along with another century old tree in the neighbouring yard. I am concerned that a large-scale development will harm the tree roots and reduce green-space and shade for the neighborhood enjoyment.

Staff Response: The City's Planning Forester is aware of the large Silver Maple (85cm diameter). Conditions specific to this tree will be included in the Site Plan Agreement in order to ensure its retention.

#### 7 - Civil Engineering

- The foundations of all of our properties rest on the unstable clay of Lowertown. Additional excavations and increased heavy truck traffic will crack our foundations, worsening what the vibrations from various downtown construction projects have already done.

Staff Response:

A Geotechnical Investigation has been submitted as part of this application and will be reviewed and approved by City staff prior to the approval of the Site Plan Control application. Any need for blasting will be accompanied by the appropriate pre-blasting survey conditions within the Site Plan Agreement.



## Comments from the Lowertown Community Association



PO Box 53050 Rideau Centre PO  
CP 53050 BP Centre Rideau  
Ottawa ON K1N 1C5

[info@lowertown-basseville.ca](mailto:info@lowertown-basseville.ca)

November 2, 2021

Jean-Charles Renaud  
Planning, Infrastructure and Economic Development Department  
Ottawa City Hall  
Ottawa, ON K1P 1J1

Sent via email at: [Jean-Charles.Renaud@ottawa.ca](mailto:Jean-Charles.Renaud@ottawa.ca)  
Cc: Councillor Mathieu Fleury at [MFleury@ottawa.ca](mailto:MFleury@ottawa.ca)

**Re: File No. D02-02-21-0088, D07-12-21-0135** - 253-257 York St, 78-80 Nelson St

Dear Mr. Renaud,

The Lowertown Community Association has concerns about the proposed combined development at 253-255-257 York Street and 78-80 Nelson Street. This form of development does little to contribute to the character and vitality of this mature neighbourhood.

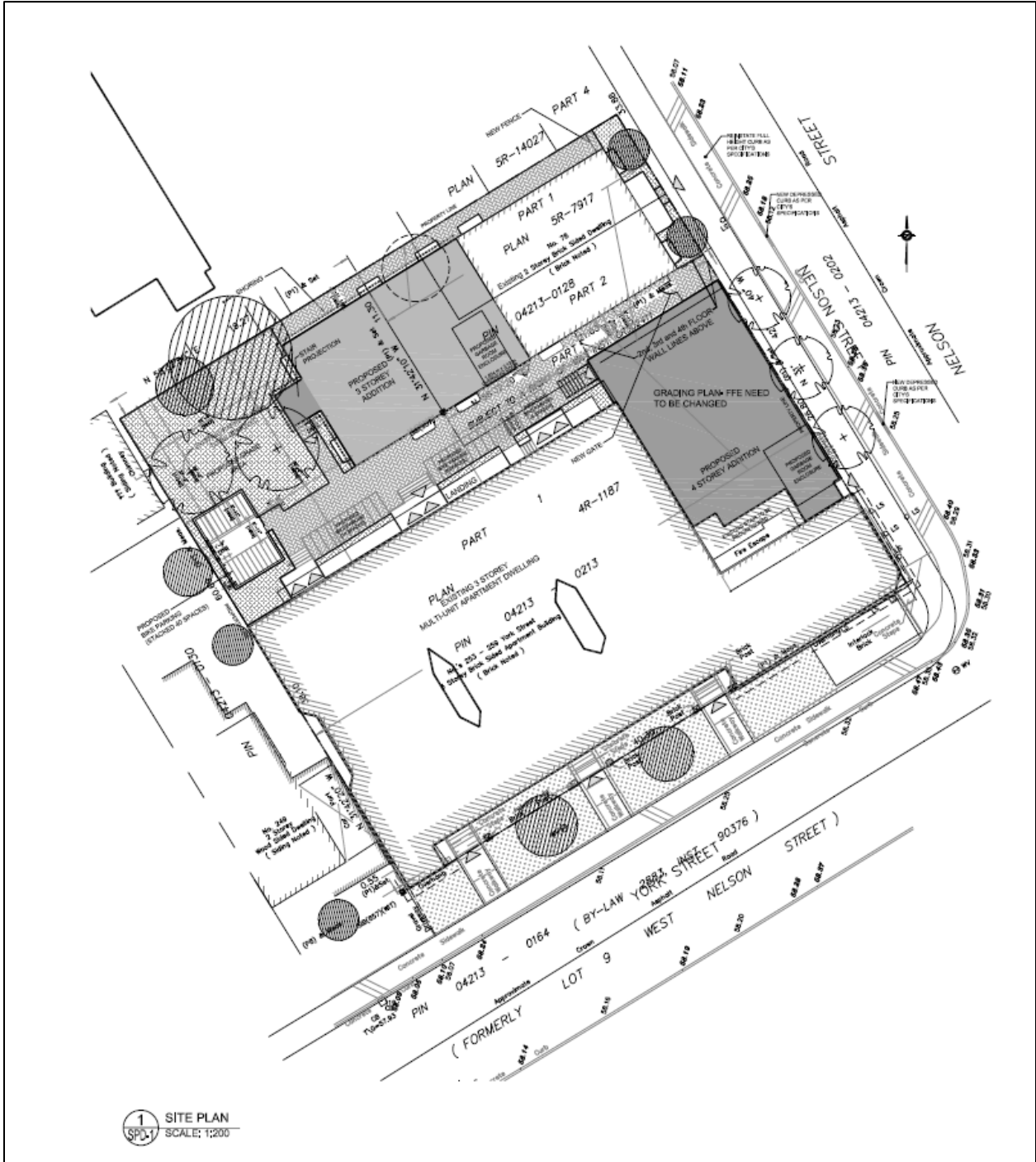
These buildings suggest that they are aimed at short-term rentals and are on the fringes of bylaws governing rooming houses. For example, one 3-storey building has 26 units approximating 11 rooms per floor. It is difficult to assess whether the proposal provides adequate garbage storage; satisfactory landscaping and drainage; and exterior finishes fitting the character of the street.

In our efforts to build community in this area, the LCA is looking for a diversity of housing options. While we want to sustain a healthy balance of long- and short-term residents, we also want to ensure that development contributes to affordable housing. This proposal for multi-unit high rent buildings will do nothing to reduce the wait times for individuals needing reasonably priced housing. They also reinforce the need for a rental property registry to assist in property standard and bylaw enforcement.

Sincerely,

Liz Bernstein  
Co-President  
Lowertown Community Association  
Association communautaire de la Basse-Ville

Document 4 – Proposed Site Plan



Document 5 – Proposed Renderings

