

Subject: Zoning By-Law Amendment – 352 Somerset Street West

File Number: ACS2023-PRE-PS-0092

Report to Planning and Housing Committee on 20 September 2023

and Council on 27 September 2023

**Submitted on September 7, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

Contact Person: Adrian van Wyk, Planner I, Development Review Central

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Ward: Somerset (14)

Objet: Modification du Règlement de zonage – 352, rue Somerset Ouest

Dossier : ACS2023-PRE-PS-0092

Rapport au Comité de la planification et du logement

le 20 septembre 2023

et au Conseil le 27 septembre 2023

**Soumis le 7 septembre 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne-ressource: Adrian van Wyk, Urbaniste I, Examen des demandes
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Quartier: Somerset (14)

REPORT RECOMMENDATIONS

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 352 Somerset Street West, as shown in Document 1, to permit a three-storey addition to the rear of the existing mixed-use heritage building, 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 September 27, 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 du *Règlement de zonage* (n° 2008-250) pour la propriété située au 352, rue Somerset Ouest, comme le montre le document 1, afin de permettre l’aménagement d’une annexe de 3 étages à l’arrière du bâtiment patrimonial existant à usage polyvalent, comme l’explique en détail 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 27 septembre 2023 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision», sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil 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

352 Somerset Street West

Owner

TKS Holdings Inc.

Applicant

Chmiel Architects Inc. c/o Jamil Afana

Architect

Chmiel Architects Inc.

Description of site and surroundings

The subject property is located on the south-east corner of Somerset Street West and Bank Street in the Centretown neighbourhood. It is surrounded by a mix of uses, including office buildings, retail stores and apartments. The building on the property is designated under Part V of the *Ontario Heritage Act* and is known as Somerset House. It is located in the Centretown Heritage Conservation District.

Summary of proposed development

The City of Ottawa has received a Zoning By-law Amendment (D02-02-23-0036) and Site Plan Control (D07-12-22-0003) application to construct a three-storey addition to an existing three-storey vacant designated heritage building, Somerset House. The redevelopment of the site will result in a three-storey mixed-use building with 14 residential units (one studio, eight one-bedroom and five two-bedroom units) and two ground floor commercial units. No vehicular parking is proposed and 14 bicycle parking spaces are proposed.

The proposed building will involve the retention and restoration of the existing vacant building and the construction of an addition with frontage on Somerset Street West. The new building will be rectangular in shape and include ground-floor commercial units with access from Bank Street and Somerset Street West. Residential units will be located above on the second and third storeys and a partial mezzanine level.

Summary of requested Zoning By-law amendment

The subject site is currently zoned TM H(19) – Traditional Mainstreet Zone, Height Limit 19 metres, and is subject to the provisions of Section 60 of the Zoning By-law – the Heritage Overlay. The applicant requests a site-specific exception to permit the following:

- A reduced minimum rear yard setback of 0 metres, whereas the Zoning By-law requires a minimum rear yard setback of 4.5 metres for a rear lot line abutting a public laneway

- Reduced minimum and total amenity area of 0 square metres, whereas the Zoning By-law requires a minimum of 6.0 square metres per dwelling unit for mixed use buildings with nine or more dwelling units and for 50 per cent of the total required amenity area to be communal
- Relief from the provisions of Section 60 of the Zoning By-law, the Heritage Overlay, which regulates the rebuilding of destroyed or removed heritage buildings and additions thereto

The purpose of the requested relief is to permit the reconstruction of the remaining portion of the damaged historic building and facilitate the construction of a new rear addition in approximately the same location as the former second half of the building that existed prior to 2008.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

A virtual community information session was held on July 26, 2023. The applicant, Councillor, and staff were present. Approximately 10 members of the public attended.

Approximately 12 comments were submitted during the development review process. Comments mainly noted concerns with bicycle parking, heritage conservation, and construction.

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

Official Plan designation(s)

The subject property is located in the Downtown Core Transect and is designated Mainstreet Corridor (Bank Street frontage) and Minor Corridor (Somerset Street frontage). The Downtown Core features a mature built environment with urban characteristics. Its built form is intended to remain urban and to continue to develop to include healthy 15-minute neighbourhoods within a highly mixed-use environment. Development within Corridors are intended to establish the highest permitted heights and densities close to the corridor subject to appropriate transitions and site design. Commercial and service uses are generally to be accommodated on the ground floors of buildings with residential dwelling units located on the upper floors.

The subject property is also located in a Design Priority Area (DPA) per Schedule C7A. Design excellence is to be promoted in such areas, including through the recognition and conservation of cultural heritage resources.

Other applicable policies and guidelines

The subject property is located in the planning area of the Central and East Downtown Core Secondary Plan. More specifically, it is located in the Central sector of the Centretown Character Area. Under the Secondary Plan, the property is designated Corridor and subject to a height limit of nine storeys. Development within this area is required to include active uses and contribute to the maintenance of continuous streetwalls. On-site parking is discouraged. Development proposals are to be guided by the built form guidelines of the Centretown Community Design Plan.

The property is also located within the Centretown Community Design Plan (CDP) policy area. The CDP provides that low-rise development should respect and contribute to the overall character of the area, and that infill should be aligned with adjacent buildings, with equal consideration given to all facades that front onto streets.

Heritage

The subject property is designated under Part V of the *Ontario Heritage Act* and located in the Centretown Heritage Conservation District (HCD). The proposal is subject to the policies of the Centretown HCD Plan. In terms thereof it is classified as a contributing building. The HCD Plan aims to ensure the retention and conservation of cultural heritage assets and that new construction accommodates the City's intensification goals in a manner that is compatible with the cultural heritage value and attributes of the District. The proposed alteration of the existing building and construction of the new addition is subject to the Heritage Permit approvals process, and a separate application (D09-04-23-0030) under the *Ontario Heritage Act* is to be heard by the Built Heritage Committee prior to deliberation on this Zoning By-law Amendment application.

Planning rationale

The proposal includes the retention and restoration of the portion of the existing historic building that remains and the construction of a low-rise addition at the rear with frontage along Somerset Street West. The proposed height and mass of the building is permitted and supported by the Official Plan, Secondary Plan and CDP and will include uses that will strengthen the roles of Bank Street and Somerset Street West as traditional mainstreets in the Downtown Core.

The proposed reduction of the rear yard setback to 0 metres is supportable to accommodate the construction of the new addition. Back-of-house access to the

building will be provided by the existing public laneway at the rear, which also functions as a de facto side yard to the building given that the property is a corner lot. The rear yard setback is consistent and characteristic of other mixed-use building along Bank Street that abut the public lane.

Staff support the request for 0 square metres of amenity area in this particular instance. Conserving the existing heritage building while also providing the addition presented significant challenges to align the floors, and it was not possible to accommodate a rooftop terrace or balconies on the building according to the conservation approach proposed and the context of the proposal on a tight site. For these reasons, along with recognizing the subject site is within a dense and highly mixed-use area of Centretown with an abundance of public amenities within walking distance of the subject property, staff have no concerns with the reduced amenity area.

To accommodate the construction of the proposed building, staff recommend that the provisions of Section 60 of the Zoning By-law not apply to the current proposal. It is staff's opinion that the heritage conservation approach and new addition proposed will result in a more meaningful retention and reuse of the remaining existing historic building and a more compatible new addition than would be the case under the provisions of Section 60. Staff worked closely with Heritage Planning on this application and the approach is mutually supported.

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 the recommendations of this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Troster is aware of the application and provided the following comment:

“I’m pleased to see that this application is at PHC, and am hopeful that it will go ahead as presented here. I appreciate the work Chmiel Architects has done to present a design that is sensitive to the heritage context, and restores much of what has been lost. I want to specifically commend the work that PRED staff have done to bring the application to this point. I hope that the committee can approve this, and that this corner can become something that community members are proud to see.”

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations of this report.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

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 the Planning Services operating budget.

ACCESSIBILITY IMPACTS

The proposed development will be required to meet the accessibility requirements contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more liveable for all, and
- A city with a diversified and prosperous economy.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-23-0036) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the proposed Zoning By-law Amendment. The proposal is consistent with the Official Plan policies for the Downtown Core Transect Policy Area, Corridor designation and the Central and East Downtown Core Secondary Plan. The proposed Zoning By-law Amendment is appropriate for the site and maintains policy objectives of the Official Plan and the guidelines of the Centretown Community Design plan. The amendment represents good planning and, for the reasons stated above, staff recommend approval of the Zoning By-law Amendment.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate 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, City Manager's Office 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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE 352 rue Somerset Street West/ouest	
D02-02-23-0036	23-0408-X	 Area A to be rezoned from TM H(19) to TM[xxxx] H(19) Le zonage du secteur A sera modifié de TM H(19) à TM[xxxx] H(19)	
I:\CO\2023\Zoning\Somerset_352		 Heritage (Section 60) Patrimoine (Article 60)	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission THIS IS NOT A PLAN OF SURVEY</small>		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)	
<small>©Les données de parcelles appartient à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2023 / 08 / 21			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 352 Somerset Street W.:

1. Rezone the lands as shown in Document 1.
2. Amend Section 239 – Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - a. In Column II, Applicable Zoning, add the text TM[xxxx] H(19).
 - b. In Column V, Provisions, add the following text:
 - i. The minimum rear yard setback is 0 metres.
 - ii. Despite any provision to the contrary, the minimum required setback from Somerset Street West is 0 metres.
 - iii. The provisions of Section 137 do not apply.
 - iv. The provisions of Section 60 do not apply to an addition that is 306 square metres or less in footprint and 15 metres or less in height.
 - v. Despite any provision to the contrary, no motor vehicle parking is required to be provided.

Document 3 – Consultation Details

Notification and Consultation Process

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. One public meetings were also held in the community.

July 26, 2023 via Microsoft Teams

Public Comments and Responses

Comment:

“Both requested minor zoning amendments seem to run counter to public expectations and wants. They should be denied.”

Response:

In response to staff and community comments, the applicant has revised the proposal to include bicycle parking at a ratio of one space per unit. Staff are supportive of the remaining zoning amendment requests as they are consistent with City planning policy and appropriate to conserve the existing heritage building.

Comment:

Desire for high-quality architecture that contributes to Bank and Somerset Streets.

Response:

Staff are supportive of the architectural approach to the redevelopment of this site. Specific architectural details will be approved under the Heritage Permit approvals process.

Comment:

Support for construction to begin.

Response:

The applicant has applied for a Building Permit and intends to begin construction after all approvals are in place.

Comment:

“The addition is tastefully different yet compatible with the heritage building. The flexibility of having either one or two commercial tenants is smart.”

Response:

The compatibility of the new addition will be discussed as part of the Heritage Permit approvals process.

Comment:

Residents do not support the proposal to include 0 bicycle parking.

Response:

In response to staff and community comments, the applicant has revised the proposal to include bicycle parking at a ratio of one space per unit.

Comment:

Request for more information on energy efficiency.

Response:

Energy efficiency will be evaluated under the Building Permit process.

Comment:

“I feel that the materials and design envisioned for the addition complement the heritage portion of the property without attempting to replicate it (thereby creating a faux-heritage pastiche).”

Response:

Specific architectural details will be approved under the Heritage Permit approvals process.