

Subject: Zoning By-law Amendment - 139 and 143 Balsam Street and 20 Larch Street

File Number: ACS2023-PRE-PS-0003

Report to Planning and Housing Committee on 18 January 2023

and Council 25 January 2023

Submitted on January 6, 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 – 139 et 143, rue Balsam et 20, rue Larch

Dossier : ACS2023-PRE-PS-0003

Rapport au Comité de l'urbanisme et du logement

le 18 janvier 2023

et au Conseil le 25 janvier 2023

Soumis le 6 janvier 2023 par Derrick Moodie, Directeur, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique

Personne ressource : John Bernier, Urbaniste, Examen des demandes d'aménagement centrale

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Quartier: Somerset (14)

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council:
 - a. Approve an amendment to Zoning By-law 2008-250 for 139 and 143 Balsam Street and 20 Larch Street, as shown in Document 1, to permit a temporary parking lot use and a reduction in landscaping for temporary parking lot, as detailed in Document 4.
 - b. Authorize an amending agreement to Demolition Control Agreement OC2342369 to allow for a temporary use parking lot as per the recommended rezoning.
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:
 - a. D'approuver une modification du Règlement de zonage (no 2008-250) pour les 139 et 143, rue Balsam et le 20, rue Larch, comme il est indiqué dans le document 1, afin de permettre un stationnement en utilisation temporaire et une réduction de l'aménagement paysager pour ce stationnement temporaire, comme il est expliqué dans le document 4.
 - b. D'autoriser un accord de modification de l'entente de réglementation des démolitions no OC2342369 afin de permettre l'aménagement d'un stationnement en utilisation temporaire, conformément au changement de zonage recommandé.
2. Que le Comité de la planification et du logement 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 25 janvier 2023 » à la condition que les observations aient été 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

139 and 143 Balsam Street and 20 Larch Street

Owner

Ottawa Preston Holdings Ltd.

Applicant

GBA Group c/o John Moser

Description of site and surroundings

The subject site is a rectangular through-lot that is located at the termination of both Larch and Balsam Streets. To the north and east of the site are low-rise residential buildings. The Preston Hardware parking lot and building is located to the south of the site. To the west are lands known as Gladstone Village that are slated for development of new mixed-use subdivision with various heights up to 30 storeys.

The subject site is currently vacant following an application to demolish the two pre-existing homes.

Summary of requested Zoning By-law amendment proposal

The purpose of the application is to permit a temporary parking lot for a period of up to three years. A number of Preston Hardware employees were previously using a nearby parking lot; however, these spaces became unavailable to their staff, as the use of that property changed from a night-time business to a daytime business which requires its

parking spaces. The proposed site plan for the parking lot has a total of 21 spaces and will require a further amendment to allow reduction in the landscaping requirements.

The intention is for the majority of the street block to be eventually redeveloped into a six-storey, mid-rise mixed-use residential building in the foreseeable future, including this site as demonstrated through the work completed during establishment of the Corso Italia Station District Secondary Plan.

DISCUSSION

Public consultation

Public notice of the application was provided in accordance with the City's Public Notification and Consultation Policy. One member of the public and the Dalhousie Community Association submitted comments in opposition.

For this proposal's consultation details, see Document 5 of this report.

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 area's 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.

Corso Italia Station District Secondary Plan

The Subject Property is located in an area subject to the in-force Corso Italia Station District Secondary Plan. The Secondary Plan was adopted by City Council in 2021 and incorporated into the Official Plan (2022). The subject property is designated "Mixed-Use Neighbourhood" on Schedule A of the Secondary Plan. This area is to be primarily residential in character and supportive of new, mid-rise development that complements that existing context. The policy framework supports up to six-storeys on the subject site. Permanent surface parking lots are expressly prohibited in this policy area.

Planning rationale

The Owner has expressed a temporary need for the parking based on the loss of its current parking arrangement with a neighbouring business owner. Section 4.1.4 of the Official Plan requires that the City manage and gradually reduce the supply of surface parking lots within Hubs. However, the temporary parking lot is only being established because of the loss of an existing surface parking lot in the area and need to temporarily sustain employee parking until such time as the site is redeveloped or alternate solutions provided.

When considering the appropriateness of a temporary parking request, the City takes into account any future development plans that the owner may have to indicate that the request is indeed temporary. In this case, Preston Hardware Ltd. is the owner of the majority of the block between Balsam Street and Larch Street and has been open about their intention to develop this block for a mid-rise residential building in the foreseeable future. They have provided the City and community with their current concepts for this redevelopment plan, included in Document 2. The concept development was established in consultation during review of the Secondary Plan.

Section 4.6.5 of the Official Plan requires developments within Hubs to minimize conflicts between vehicles and pedestrians and improve the public realm, and to visually screen surface parking lots. The amendment for a reduction in landscaping surrounding a parking lot is minimal and remains largely consistent with the intent of that policy. Specifically, the reduction to the landscape buffer from 3 metres to 0 metres on the Larch frontage will not be visible from the street and therefore does not pose a significant impact to the public realm. Similarly, the temporary reduction in the landscape buffer along the entrance on Balsam Street from 3 metres to 1.5 metres is appropriate, as there is still sufficient space for shrubbery, and this frontage is located at the dead-end street, facing the Owner's hardware store parking to the south.

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. Furthermore, 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)

“[Councillor] Troster opposes this interim use. The previous councillor’s office had pushed for the inclusion of the condition barring interim uses because of concerns about this specific circumstance. Given that Ottawa is in a housing emergency, it is unacceptable to permit the destruction of relatively affordable housing to provide private parking, and then to permit that use in an ongoing manner.

The planning justification provided is not sufficient to assuage concerns. It is not the city’s role to ensure that an individual private business is guaranteed private parking, especially in a area that is already well-served by transit, and coming at the cost of building new housing in an expeditious manner.”

ADVISORY COMMITTEE(S) COMMENTS

Not applicable

LEGAL IMPLICATIONS

As noted in this report, there is a Demolition Control Agreement registered against the title to this property which requires that the property be landscaped and prohibits the use of the property for parking, other than parking for a sales centre. Thus, this agreement would need to be amended if temporary parking is to be permitted.

In the event the agreement is not amended, then if the zoning amendment were refused, appealed to the Ontario Land Tribunal and the appeal were successful, in the opinion of Legal Services, temporary parking would still not be permitted on the subject lands.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

The available fire flow may be limited from the Watermain on Larch. No issues with Storm and Sanitary sewers.

FINANCIAL IMPLICATIONS

There are no direct financial implications. In the event the application is refused and appealed, and an external planner is retained, 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 proposed parking lot will include an accessible parking space that is built to the current standards. The site also has hard surface treatments that lead 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 Future Development Concepts

Document 3 Site Plan

Document 4 Details of Recommended Zoning

Document 5 Consultation Details

CONCLUSION

In conclusion, Planning, Real Estate, and Economic Development staff are supportive of the establishment of a temporary parking lot in this location. The amendments to the landscape requirements are also minor in nature and do not pose an impact to the public realm or surrounding properties. The applicant has sufficiently demonstrated an

intent to develop this site in the future and the temporary land use to provide additional time to arrange for the development and alternate arrangements is reasonable.

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 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



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|--|-----------|--|--|
|  | | LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE | |
| D02-02-22-0063 | 22-0716-L |  | 139, 143 rue Balsam St. 20 rue Larch St. |
| I:\CO\2022\ZKP\Balsam_139_143_Larch_20 | | | |
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| REVISION / RÉVISION - 2022 / 07 / 14 | |  | |

Document 2 – Future Development Concepts



Document 3 – Site Plan



Document 4 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 139 and 143 Balsam Street and 20 Larch Street:

1. Rezone the lands shown on the Zoning Key Plan on Document 1 from R4UB to R4UB[xxxx];
2. Amend section 239, by adding a new exception, xxxx, with provisions similar in intent to the following:
 - a. In column II, Applicable Zones, add the text, R4UB[xxxx]
 - b. In column III, Exception Provisions - Additional Land Uses Permitted, add the text, “-parking lot”
 - c. In column V, Exception Provisions, add the following text:
 - i. non-accessory parking in a principal use parking lot is limited to a temporary period of one year beginning on the date of passing of this by-law
 - ii. Minimum landscaped buffer for a temporary parking lot on the Larch Street frontage: 0 metres.
 - iii. Minimum landscape buffer for a temporary parking lot on the Balsam Street frontage: 1.5 metres.

Document 5 – Consultation Details

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 which spoke to the future development of the site and the desire for the parking to be located underground. The Dalhousie Community Association also responded in writing and opposed the temporary zoning. Generally, the concerns relate to the removal of housing through a Demolition Control Application in order to accommodate the development of the parking lot, and the inconsistency with existing zoning and Secondary Plan policies.

Response:

The overall site development of this block will be considered at a later date once a development application is submitted. The applicable policies are supportive of underground parking configurations.

The Demolition Control Application (D07-05-18-0007) was approved on September 14, 2020 on the basis that the Owner was intending on redeveloping the block between Larch and Balsam Streets, and was in the process of preparing the site for redevelopment. Furthermore, the existing housing was slowly becoming unsuitable for human habitation.

The Demolition Control Agreement does prohibit the use of the site for a surface parking lot; However, at the time of approval the Owner did not express a desire to use it for such purposes. Typically, this condition of approval is used to limit unplanned parking lots for uncontrolled periods of time. The proposed temporary use is for up to three years, a site plan has been provided (Document 3) that complies with the provisions within the Zoning By-law, save for the amendment to landscaping requirements.

Concerns related to the inconsistency with existing policies are discussed in the staff report.