

2024-02-01



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	407, 409, 411 Queen Street
Legal Description:	Lot 18 & Part of Lot 19 Numbering Westward North Side of Queen Street Registered Plan No 3922
File No.:	D08-02-23/A-00226, 00287 and 00289
Report Date:	February 1, 2024
Hearing Date:	February 7, 2024
Planner:	Margot Linker
Official Plan Designation:	Downtown Core Transect, Parliament and Confederation Boulevard Special District on a Mainstreet Corridor
Zoning:	GM[185] S85 (General Mixed-Use, Urban Exception 185, Schedule 85) Heritage Overlay

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the applications.

DISCUSSION AND RATIONALE

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is located within the Downtown Core Transect and within the Parliament and Confederation Boulevard Special District on a Mainstreet Corridor on Schedules A and B1 in the Official Plan. The Downtown Core should continue moving towards urban characteristics, including emphasizing the built-form relationship with the public realm. This area is planned for higher density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area accessed by a common driveway to reduce the privatization of curb space. The subject site is located within 200 metres of Lyon O-Train Station and 250 metres from the Bronson Street Transit Priority Corridor on Schedule C2, and has a high 15-Minute Neighbourhood score in terms of access to amenities and services.

The General Mixed-Use zone allows residential, commercial and institutional uses, or mixed-use development. All three buildings were converted into low-rise apartment dwellings in 1999 and 2000.

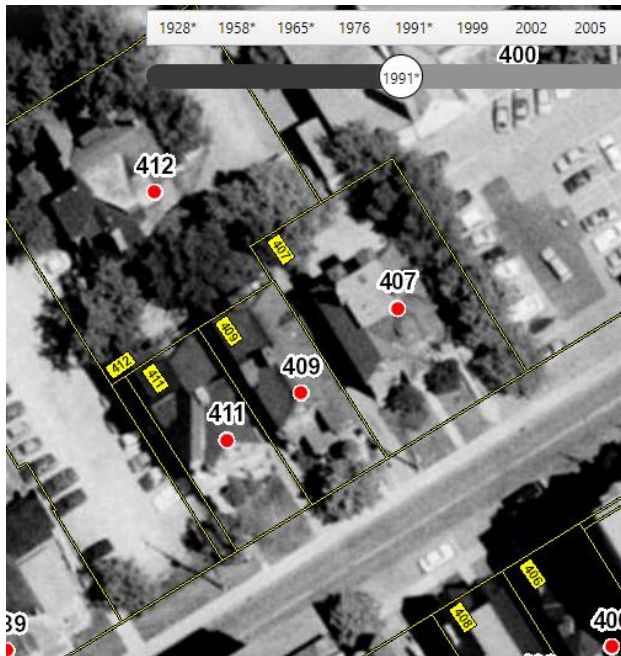


Figure 1: 1991 Conditions demonstrating large area of soft landscaping in front yard.

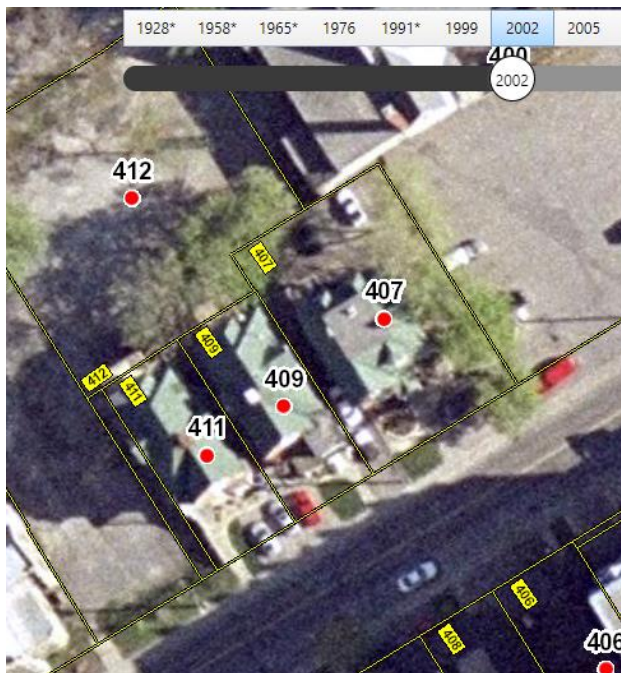


Figure 2: 2002 conditions (post conversion to low-rise apartments) demonstrating the front yards largely replaced with hard landscaping.

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Staff's position is that By-law 124-90, which permitted one front yard parking space per lot in certain circumstances, applied to this property prior to the conversions to low-rise apartment dwellings. While this By-law would no longer apply to the subject property as the conversion to low-rise apartment uses occurred after 1964, the Official Plan's direction is focusing more strongly on building form rather than typology. In addition, the lots might be able to benefit from Section 109(5) in the Zoning By-law to permit one front yard parking space per lot historically. Therefore, staff support the minor variances to allow for one front yard parking space per lot given the history of the sites.

However, staff have concerns with front yard parking in excess of one space. Beyond one front yard parking space per lot, which staff will support, the Zoning By-law and Official Plan prohibit front yard parking. The subject site is located within Area Z on Schedule 1A, where no parking for these low-rise apartment dwellings is required and, as noted above, the site is serviced well by higher-order transit and amenities.

By-law 124-90 required that where a front yard parking space is established, at least 65% of the yard the front yard parking space is in must be landscaped open space, 70% of which must be soft landscaping.

Staff do recognize that the low-rise apartments and hardscaping are existing conditions, and appreciate that the applicant has worked with staff to better comply with the Private Approach By-law and By-law 124-90 requirements to improve the front yard conditions through this Minor Variance process. However, it is worth noting that the Zoning By-law and Official Plan are explicit in prioritizing soft landscaping and parking becomes a secondary nature. The Downtown Core, following urban characteristics, encourages little to no parking and where parking is provided, it is concealed from the street. Section 11 Policy 9(d) in the Official Plan maintains that reductions in the required area of soft landscaping to permit low-rise apartments will not be supported where the purpose or effect is primarily to enable motor vehicle parking or driveways unless staff believe that the proposal serves the goals of context sensitive design and results in better urban design than would compliance with the relevant zoning standard. Staff believe that reinstating most of the front yard with soft landscaping would enhance the quality of the public realm and enrich the pedestrian experience.

If the applicant would like to provide more parking on site, staff encourage them to explore options of establishing rear yard parking on 407 Queen Street, as shown in Figure 3, which would be more desirable than excess front yard parking.

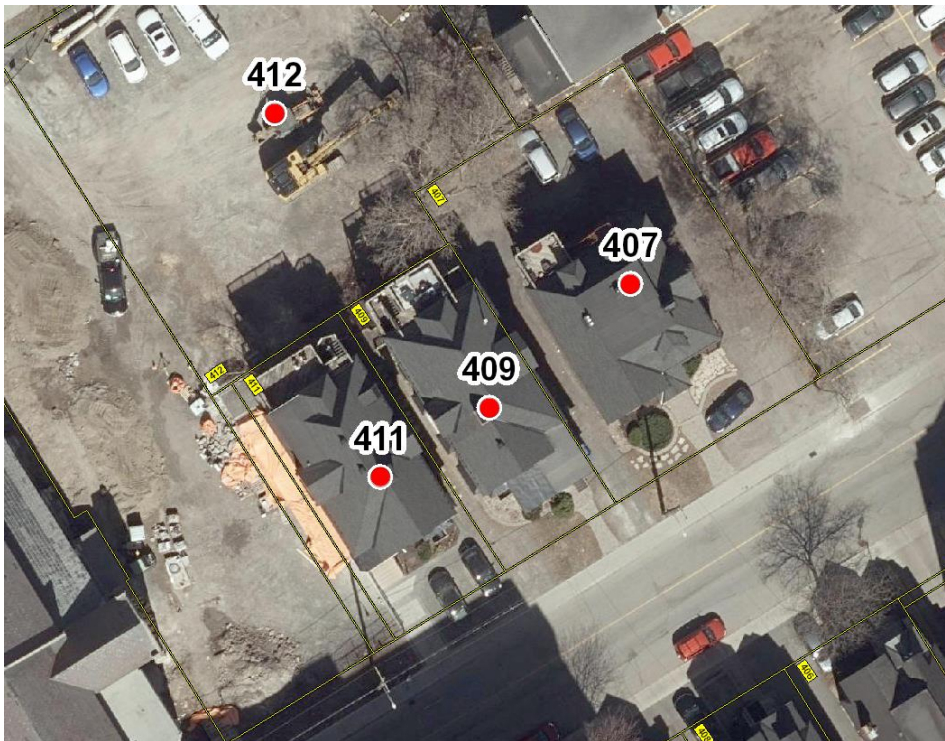


Figure 3: 2021 conditions demonstrating parking area in the rear yard of 407 Queen.

ADDITIONAL COMMENTS

Heritage Planning Branch

The properties at 407, 409, 411 Queen are designated under Part V of the Ontario Heritage Act and are part of the Cathedral Hill Heritage Conservation District. The subject properties along with their neighbours (406, 408 and 410 Queen Street) comprise a relatively intact group of turn-of-the-century houses. Historically, these properties had green front yards with simple, linear walkways. The removal of front yard parking and re-greening is strongly encouraged.

Infrastructure Engineering

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
3. Existing grading and drainage patterns must not be altered.
4. This property does not have frontage on a storm sewer.
5. Provide a minimum of 1.5m between the proposed driveway and the utility pole.

Planning Forestry

The proposed minor variance for front yard parking will actually increase the area of soft

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landscaping in front of these 3 lots from what currently exists. The Official Plan strongly supports the provision of adequate soil volume for both existing and new trees. There are no existing trees on site, so confirmation of the provision of sufficient soil volume to support one new tree per lot must be provided, along with a planting plan. If the proposed number of parking spaces do not allow for sufficient soil space for tree planting, Planning Forestry has concerns with the requested front yard parking and reduced landscape buffers.

Right of Way Management

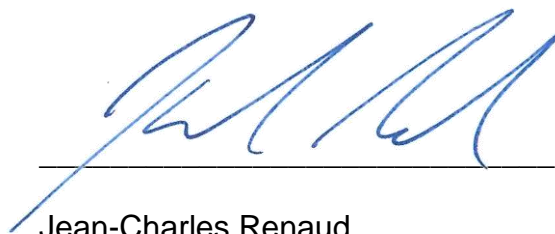
The Owner shall be made aware that should the minor variances be granted, private approach permits are required to establish the new entrances and to remove the portions of the redundant driveways. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of the Private Approach By-law and a road cut permit in accordance with the provisions the City's Road Activity By-law or a successor by-law thereto.

Transportation Engineering

1. It is the opinion of Transportation Engineering Services that legalization of front yard parking should not be permitted.
2. Ensure any modifications to the proposed curb cuts are coordinated with the Reconstruction of Albert Street, Queen Street, Slater Street and Bronson Avenue Project.
3. The site is located within 300 m of the OLRT rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.



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