

Subject: Zoning By-law Amendment – 381 Kent Street

File Number: ACS2024-PDB-PS-0074

Report to Planning and Housing Committee on 28 August 2024

and Council 4 September 2024

**Submitted on August 19, 2024 by Derrick Moodie, Director, Planning Services,
Planning, Development and Building Services**

Contact Person: Eric Forhan, Planner II, Development Review Central

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Ward: Somerset (14)

Objet : Modification au règlement de zonage – 381, rue Kent

Dossier : ACS2024-PDB-PS-0074

Rapport au Comité de la planification et du logement

le 28 août 2024

et au Conseil le 4 septembre 2024

**Soumis le 19 août 2024 par Derrick Moodie, Directeur, Services de la planification,
Direction générale des services de la planification, de l'aménagement et du
bâtiment**

**Personne ressource : Eric Forhan, urbaniste II, Examen des demandes
d'aménagement centrale**

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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 381 Kent Street, as shown in Document 1, to permit a nine-storey, mid-rise residential use 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 4, 2024* 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’approuver la modification au *Règlement de zonage* (no 2008-250) visant le 381, rue Kent, comme l’indique le document 1, afin d’autoriser l’aménagement d’un bâtiment de neuf étages de moyenne hauteur à vocation résidentielle, selon les modalités précisées dans 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 4 septembre 2024 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

EXECUTIVE SUMMARY

This Zoning By-law Amendment application seeks to rezone the property from “Residential Fourth Density, Subzone UD, Urban Exception 479 (R4UD[479]) Zone”, to “Residential Fifth Density, Subzone Z, Urban Exception ‘xxxx’, Residential Neighbourhood Commercial Suffix, Schedule ‘yyy’ (R5Z[xxxx]-c Syyy) Zone”, as shown in Document 1, to permit a nine-storey, mid-rise residential use building subject to

site-specific zoning exceptions, as detailed in Document 2. Document 3 provides the recommended Zoning Schedule.

The proposed development, as shown in Document 6, is a nine-storey, mid-rise residential use building, consisting of approximately 200 square metres of ground floor commercial space, 218 dwelling units, 235 bicycle parking spaces, 132 residential parking spaces and 22 visitor parking spaces. A Privately Owned Publicly Accessible Space (POPS), approximately ten per cent of the total lot area, is proposed in addition to large communal amenity areas included throughout the site and on the rooftop.

The subject property is in Centretown within a dense, urban setting which is characterized by a mix of densities and uses. The proposed development adds to the surrounding mixed-use context. For zoning interpretation purposes, the proposed residential use building is to be interpreted as an “Apartment Dwelling, Mid Rise” and the supporting zoning details are in Document 2. The Residential Neighbourhood Commercial Suffix (-c) is being added to permit some commercial uses that are compatible within a predominantly residential context, including the potential for medical facility uses, in accordance with Section 141 of the Zoning By-Law. Furthermore, the subject property is within a short distance of both cycling infrastructure (along O’Connor Street and Lyon Street) and Transit Priority Corridors (along Bank Street and Somerset Street West), which lead to the City’s broader transportation network, including transit routes and active infrastructure. The proposed development is well-supported by the local context and is therefore appropriate.

The details of the Zoning By-law Amendment application have been reviewed against the policies of the City’s Official Plan, the Central and East Downtown Core Secondary Plan, and the Centretown Heritage Conservation District Plan, as well as the guidelines of the Centretown Community Design Plan (CDP). The proposed development is supported by the applicable policies and guidelines and is therefore appropriate.

Document 4 of this report provides a summary of the public comments received throughout the development review process and staff’s responses to those comments. Staff received comments from approximately 20 residents and the Centretown Community Association (CCA). The Urban Design Review Panel (UDRP) also provided recommendations (Document 5). Public comments and UDRP recommendations aided in the implementation of design changes and informed Staff’s recommendation.

Based on the details presented in this report, it is staff’s opinion that the proposed Zoning By-law Amendment, as shown in Document 1 and detailed in Document 2, is appropriate and the proposed development represents good land use planning.

RÉSUMÉ

Cette demande de modification au *Règlement de zonage* vise à modifier le zonage de la propriété qui passerait de « Zone résidentielle de densité 4, sous-zone UD, exception 479 (R4UD[479]) à « Zone résidentielle de densité 5, sous-zone Z, exception urbaine « xxxx », suffixe de quartier résidentiel à vocation commerciale ('-c'), annexe yyy (R5Z[xxxx]-c Syyy) », comme il est indiqué dans le document 1, afin d'autoriser la construction d'un immeuble résidentiel de neuf étages, assortie d'exceptions propres à l'emplacement, comme l'explique en détail le document 2. Le document 3 fournit l'annexe de zonage recommandée.

L'aménagement proposé, comme le montre le document 6, est un immeuble résidentiel de moyenne hauteur de neuf étages, comprenant environ 200 mètres carrés d'espace commercial au rez-de-chaussée, 218 unités d'habitation, 235 places de stationnement pour vélos, 132 places de stationnement pour les résidents et 22 places de stationnement pour les visiteurs. Un espace public appartenant à des intérêts privés, soit environ dix pour cent de la superficie totale du lot, est proposé en plus de grandes aires d'agrément communes sur le site et le toit.

La propriété en question est située au centre-ville dans un cadre urbain dense, caractérisé par un mélange de densités et de vocations. L'aménagement proposé s'ajoute au contexte environnant à usage mixte. Aux fins d'interprétation du zonage, l'immeuble résidentiel proposé s'entend d'un immeuble d'appartements de moyenne hauteur, et les détails de zonage se trouvent dans le document 2. Le suffixe désignant un quartier résidentiel à vocation commerciale (-c) est ajouté afin de permettre certaines utilisations commerciales qui sont compatibles dans un contexte essentiellement résidentiel, y compris la possibilité d'utilisation pour une clinique, conformément à l'article 141 du *Règlement de zonage*. De plus, la propriété en question se trouve à une courte distance de l'infrastructure cyclable (le long des rues O'Connor et Lyon) et des couloirs prioritaires de transport en commun (le long des rues Bank et Somerset Ouest), qui mènent au réseau de transport plus large de la ville, y compris les itinéraires de transport en commun et l'infrastructure de transport actif. L'aménagement proposé est bien soutenu par le contexte local et est donc approprié.

Les détails de la demande de modification du règlement de zonage ont été examinés en fonction des politiques du Plan officiel de la Ville, du Plan secondaire du coeur et de l'est du centre-ville, du Plan du district de conservation du patrimoine du centre-ville, ainsi que des lignes directrices du Plan de conception communautaire du centre-ville (PCC). L'aménagement proposé est soutenu par les politiques et les lignes directrices, et est donc approprié.

Le document 4 du présent rapport résume les commentaires du public reçus tout au long du processus d'examen de l'aménagement et les réponses du personnel à ces commentaires. Le personnel a reçu des commentaires d'environ 20 résidents et de l'Association communautaire du centre-ville. Le Comité d'examen du design urbain a également formulé des recommandations (document 5). Les commentaires du public et les recommandations du Comité d'examen du design urbain ont contribué à la mise en œuvre des modifications de la conception et à l'élaboration de la recommandation du personnel.

Sur la base des détails présentés dans ce rapport, le personnel est d'avis que la modification proposée au règlement de zonage, telle qu'indiquée dans le document 1 et détaillée dans le document 2, est appropriée et que l'aménagement proposé représente une bonne planification de l'utilisation du sol.

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

381 Kent Street

Owner

S.E.C 381 Kent LP (c/o KTS properties)

Applicant

Fotenn Consultants Inc. (c/o Scott Alain)

Architect

Neuf Architect(e)s

Description of site and surroundings

The subject property is in Centretown, on the east side of Kent Street, between Gilmour Street to the north and James Street to the south. The subject property is 3,822 square metres in total lot area and is bounded by public right-of-way on three sides. The subject property has 66.47 metres of frontage along Kent Street, 50.77 metres of frontage along Gilmour Street, and 64.19 metres of frontage along James Street. The subject property is currently occupied by a five-storey office building (Kent Medical

Building) and associated surface parking. The proposed Zoning By-law Amendment will permit medical facilities for potential future use.

The subject property is designated under Part V of the *Ontario Heritage Act* as part of the Centretown Heritage Conservation District (HCD) plan; the existing building is classified as a non-contributing building in the plan.

The subject property is along a Minor Corridor in a dense, urban setting which is characterized by a mix of densities and low-rise and mid-rise typologies. Surrounding uses include: a five-storey office building, associated parking, and a mix of housing typologies to the north; pre-war homes, some of which have been converted into office and personal service use, as well as mid-rise apartments and mainstreet corridor development along Bank Street, to the east; a six-storey apartment, pre-war homes, and various church structures to the south; and, various pre-war homes to the west.

Bus routes and cycling infrastructure are provided on nearby streets. The subject property is within a short distance of both cycling infrastructure (along O'Connor and Lyon Streets) and Transit Priority Corridors (along Bank Street and Somerset Street West), which lead to the City's broader transportation network, including transit routes and active infrastructure.

Summary of proposed development

The proposed development, as shown in Document 6, is a nine-storey, mid-rise residential use building, consisting of approximately 200 square metres of commercial space at grade, 218 dwelling units, 235 bicycle parking spaces, 132 residential vehicle parking spaces and 22 visitor parking spaces. The proposed development also includes a significant POPS, which current represents 10 per cent of the total area of the subject property (385 square metres). The final design of the POPS will be confirmed through the concurrent site plan control approval process.

Access to the underground parking entrance will be provided from Gilmour Street. All waste, storage, and parking are internalized in the proposed building and parking garage. The proposal meets and exceeds the minimum zoning requirements for amenity area, which is generously provided in the form of private balconies and terraces, as well as a rooftop terrace and indoor amenity penthouse.

The proposed dwelling unit mix is: nine ground-oriented units (four one-bedroom, three one-bedroom plus den, two two-bedroom), 18 studio units, 94 one-bedroom, 31 one-bedroom plus den, 56 two-bedroom, and ten three-bedroom units. A range of housing options is being proposed.

For zoning interpretation purposes, the proposed residential use building is to be interpreted as an “Apartment Dwelling, Mid Rise” and the supporting zoning details are in Document 2. The Residential Neighbourhood Commercial Suffix (-c) is being added to permit some commercial uses, including the potential for medical facility uses, in accordance with Section 141 of the Zoning By-Law.

Summary of requested Zoning By-law amendment

The Zoning By-law Amendment application seeks to rezone the subject property from “Residential Fourth Density, Subzone UD, Urban Exception 479 (R4UD[479])”, to “Residential Fifth Density, Subzone Z, Urban Exception ‘xxxx’, Residential Neighbourhood Commercial Suffix, Schedule ‘yyy’ (R5Z[xxxx]-c Syyy) Zone”, as shown in Document 1, to permit a nine-storey, mid-rise residential use building subject to site-specific zoning exceptions, as detailed in Document 2.

Document 3 provides the recommended Zoning Schedule.

The following site-specific zoning exceptions are proposed and recommended:

- Maximum building heights, minimum setbacks, and minimum step backs per Schedule ‘yyy’ (Syyy).
- The permitted projections of Section 64 and 65 of the Zoning By-law are not subject to the height limits of Syyy.
- Despite Section 65, ground floor terraces are permitted to project up to the lot lines abutting James Street and Gilmour Street.
- An indoor amenity penthouse is permitted to project up to four metres above the maximum height limit within Area A on Syyy.
- Section 60 of the Zoning By-law does not apply.
- Sections 111(8A), 111(8B) and 111(9) do not apply.
- Minimum bicycle parking rate: One space per dwelling unit.
- Add a Residential Neighbourhood Commercial Suffix (-c) to allow small-scale non-residential uses, including the potential for medical facility uses.
- Despite Section 141(6), the cumulative total of all non-residential uses in a building must not exceed a gross floor area of 200 square metres.

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 approximately 20 residents and the Centretown Community Association (CCA). Concerns raised include the removal of existing medical uses, unit mix, affordability, sustainable features, visitor parking, and soil volume for tree growth.

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

Official Plan

The subject property is within the Downtown Core Transect Policy Area per Schedule 'A' and designated 'Minor Corridor' per Schedule 'B1'. This Downtown Core is intended for higher density development where the urban context supports it. The Official Plan directs intensification to Corridors within the built-up urban area to support housing growth, a mix of uses and an evolution towards 15-minute neighbourhoods. The Minor Corridor designation generally permits mid-rise buildings and a mix of uses that are consistent with the policies of the transect policy area and that support intensification within proximity to services and amenities.

Central and East Downtown Core Secondary Plan

The subject property is within the Centretown Character Area per Schedule 'A' and the Central Character Area per Annex '1' of the Secondary Plan. The subject property is designated Corridor per Schedule 'B' and the maximum building height is nine storeys per Schedule 'C'. This area is intended generally for residential development with ground floor commercial uses. The policies encourage appropriate mid-rise building design and the front yards to be set back from the public right-of-way(s) and to be landscaped. The development of public parks and/or other public spaces is encouraged.

Schedule 'E' identifies a "possible small open space location" on the subject lands and the Secondary Plan's policies encourage the development of Privately Owned Publicly Accessible Spaces (POPS). Policy 19 of 4.4.6 states: "The City shall pursue the acquisition and creation of new parks, POPS and other public spaces conceptually identified on... Schedule E – Greening Centretown and described in the CDP. The acquisition and/or programming of these areas will require working cooperatively with public agencies and private landowners". Policy 22 of 4.4.6 further states: "To complement existing and new parks, the City shall use the development approval process to secure the provision of new parks and POPS at strategic locations

throughout Centretown. Generally, small parks and POPS shall be located at intersections, although mid-block locations will also be considered. The location and design of small parks and POPS shall be guided by the Centretown CDP.”

The inclusion of the POPS at the corner of the Kent Street and James Street, which will be secured via Site Plan Control, satisfies this policy direction above. City staff did not require parkland dedication in the form of land as the creation of an undersized park of less than 400 sqm. would not be consistent with the policies under Section 4.4.1 of the Official Plan.

Centretown Community Design Plan

The Centretown Community Design Plan (CDP) visualizes the subject property as Residential Mixed Use, which includes mid-rise residential, small-scale office, minor retail, open spaces, institutional and public uses. While residential remains the dominant use, at-grade commercial is encouraged to contribute to this growing mixed-use area. The contemplation of small open spaces to green Centretown is also encouraged.

Centretown Heritage Conservation District Plan

The subject property is located within the Centretown Heritage Conservation District (HCD), designated under Part V of the *Ontario Heritage Act*. The Centretown HCD Plan deems the subject property as a non-contributing property and demolition can be contemplated. The construction of new mid-rise buildings should be designed to conserve the cultural heritage value and heritage attributes of the HCD as well as provide meaningful transition between existing and proposed buildings. Design considerations include the predominance of red brick as a building material, maintaining the established front yard setback on the street, and providing a human scale pedestrian environment. The proposal is appropriate, and a heritage permit application is concurrently being recommended for approval.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law Amendment application and Site Plan Control application were subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting. The panel’s recommendations, as shown in Document 5, were successful in aiding in the design of the canopies over the residential entrances and softening the top section of the building, such as removing some building projections.

Planning rationale

The proposed Zoning By-law Amendment, as detailed in Document 2, has been reviewed against the policies of the Official Plan, the Central and East Downtown Core Secondary Plan (Centretown), the Centretown Heritage Conservation District Plan, as well as the guidelines in the Centretown Community Design Plan (CDP).

The proposed residential use building (mid-rise) is permitted by the Secondary Plan and does not exceed the maximum building height of nine storeys. Ground floor commercial is also proposed in accordance with the applicable policies. The proposed development includes a 385 square metres. Privately Owned Publicly Accessible Space (POPS) and is therefore consistent with the Secondary Plan's objectives and policies for 'greening Centretown'. The final design of the POPS will be confirmed through the concurrent site plan control approval process.

Urban Exception

- Maximum building heights, minimum setbacks and minimum step backs per Schedule 'yyy' (Syyy):

The maximum buildings heights, minimum setbacks and minimum step backs of Syyy apply to the proposed "Apartment Dwelling, Mid-Rise". The redevelopment of the subject property for a mid-rise residential use building up to nine storeys is supported by the surrounding mixed-use context, the subject property's location along a Minor Corridor, and proximity to cycling infrastructure and transit. As noted above, the proposed height of up to nine storeys does not exceed the maximum height limit of nine storeys per Schedule 'C' of the Secondary Plan. The proposed height is permitted, and the proposed mid-rise built form is consistent with the applicable policies and design guidelines which aim to guide the development of lands within Centretown.

The proposed reduced setbacks of 2.5 metres along Gilmour, Kent, and James' streets are appropriate given that they generally follow the existing front yard setback pattern along these three streets. There is ample room within each of the proposed yards to provide ground floor terraces, landscaping and trees that will enhance the public realm. Furthermore, only a small portion of the building along Kent Street will have a reduced setback of 2.5 metres, whereas most of the building will be buffered from Kent Street by a significant POPS, which provide additional separation of at least 15 metres. The proposed design approach along Kent Street aligns with the supporting policies and guidelines of the Secondary Plan and Centretown CDP.

The reduced interior side yard setback (east) of at least 1.5 metres reflects a typical side yard condition in this context where the urban fabric is tight. This approach is also

consistent with the applicable policies and guidelines that aim to guide the design of mid-rise buildings on corner lots in this area of Centretown per the CDP.

The proposed setbacks from the east side lot lines further reflect the irregular lot fabric. The step backs proposed above the second and seventh storeys provide additional separation from the abutting properties to the east. Along the site's eastern edge, an at-grade amenity area of approximately 130 square metres is proposed. This area of the site provides additional separation of between nine to 14 metres from the rear yards of the abutting properties to the east (which front along James and Gilmour streets), including sufficient room for pathways, landscaping, and trees (e.g. screening).

Finally, the proposed interior side yard setbacks ensure a building design and site layout that is considered appropriate in this context, given the design sensitivity toward the adjacent residential uses to the east. The proposed building setbacks and step backs further provide a mid-rise building design that is appropriate for this site and in this context, especially since the planned context for the lands to the east is low-rise per Schedule C of the Secondary Plan. Staff support the reduced setbacks.

- Permitted projections not subject to the height limits of Syyy:

This site-specific zoning exception, as detailed in Document 2, seeks to clarify the interpretation of the recommended zoning schedule, as shown in Document 3. For zoning interpretation, the permitted projections listed in Section 64 and 65 will continue to be permitted within the subject property despite the maximum building height limits of the recommended zoning schedule. Staff support the request to add this site-specific zoning exception to clarify the interpretation of the zoning schedule and to permit the projecting features of the proposed building.

- Ground floor terrace projections:

This site-specific zoning exception, as detailed in Document 2, seeks to ensure that the ground floor terraces (at-grade and outdoor) of the proposed ground-oriented units can project into the yards abutting Gilmour Street and James Street. Ground floor terraces will be permitted to project up to the lot lines abutting Gilmour and James streets. The ground floor terraces will help to animate the street and to improve the interaction between private/public realms. Staff support the request to add this site-specific zoning exception to permit the proposed ground floor terraces projections.

- Indoor amenity penthouse projection above the maximum height limit:

The site-specific zoning exception, as detailed in Document 2, will permit the proposed indoor amenity penthouse to project up to four metres above the maximum height limit within Area A on Syyy. Schedule 'yyy' provides a height area where an indoor amenity

penthouse of approximately 320 square metres. would be permitted. Within Area A, the indoor amenity penthouse is proposed to be consolidated with the mechanical penthouse which is a permitted projection above the maximum height limit per the Zoning By-Law. The step backs from the exterior building wall of the ninth storey to the edge of Area A will ensure that the proposed indoor amenity penthouse is appropriately placed away from the building's edge, which will help to reduce the overall visual impact of an indoor amenity penthouse at the proposed height. The proposed step backs will sufficiently limit the size of the indoor amenity penthouse. Staff support the request to add this site-specific zoning exception.

- Section 60 of the Zoning By-law does not apply:

The existing building is subject to the heritage overlay but is proposed to be demolished. Although the proposal includes many elements which make it consistent with the direction of the HCD, it is not proposed to be rebuilt with the same character, nor at the same scale, massing, volume, floor area or location. Therefore, the provisions of Section 60 are not applicable to the redevelopment of this site. The proposal is appropriate, and a heritage permit application is also being recommended for approval by Heritage Staff. Staff support the request to add this site-specific zoning exception.

- Section 111(8A) and (8B), and Section 111(9) do not apply:

The site-specific zoning exception, as detailed in Document 2, seeks to exempt the proposed development from the bicycle parking space and aisle size requirements of the Zoning By-Law. The applicant is exploring an efficient stacked bicycle parking system that may not directly align with the zoning provisions and, therefore, some relief is being recommended to allow for flexibility in its design. This proposal also includes the provision of 235 bicycle parking spaces, exceeding a bicycle parking rate of more than one space per dwelling unit. Staff support the zoning request to create an efficient stacked bicycle parking system that would help to yield more bicycle parking spaces.

- Bicycle parking rate:

The subject property is well serviced by the existing cycling network and there are supporting policies which encourage the development of, and increased reliance on, active transportation facilities within this area of the City. The site-specific zoning exception, as detailed in Document 2, seeks to increase the minimum requirement for bicycle parking at a rate of one bicycle parking space per dwelling unit. Staff support the request to add this site-specific zoning exception.

- Residential Neighbourhood Commercial Suffix (-c):

To support the evolution towards 15-minute neighbourhoods and to align with the supporting policies which encourage mixed-use development, the Residential Neighbourhood Commercial Suffix is being recommended, as detailed in Document 2. The suffix ('c') permits non-residential uses that are complementary and compatible with new and existing residential development. The suffix would permit the following uses: artist studio, convenience store, instructional facility, medical facility, personal service business, restaurant, retail food store, and retail store. The proposal includes a ground floor commercial use, which is yet to be determined, and the addition of the suffix addresses community concerns regarding the loss of medical uses on-site. By adding the suffix, this proposed Zoning By-law Amendment allows for some flexibility in the redevelopment of the subject property, such as the potential for a medical facility use. Staff support the request to add this site-specific zoning exception.

- Maximum gross floor area of non-residential uses in a building is 200 square metres:

The site-specific zoning exception, as detailed in Document 2, seeks to increase the permitted cumulative total of all non-residential uses in a building to a gross floor area of 200 square metres, whereas Section 141 limits non-residential units to a maximum of 100 square metres gross floor area. The concept, as shown in Document 6, shows a commercial space that is 175 square metres, but the maximum is being set at 200 square metres to allow for some flexibility in building design and to encourage the inclusion of additional commercial space on the ground floor. Given the size of the proposed commercial space, the loss of the legal non-conforming commercial (medical) uses, and the policies which generally support ground floor commercial in this area, staff support the request to add this zoning request.

For the reasons stated above, Staff support the details of the Zoning By-law Amendment, as detailed in Document 2.

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 this report.

COMMENTS BY THE WARD COUNCILLOR(S)

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

ADVISORY COMMITTEE(S) COMMENTS

There were no advisory committee comments received.

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. Details regarding the servicing capacity requirements will be confirmed through the site plan control application.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no anticipated accessibility impacts associated with the recommendations of this report. The proposed development is subject to the requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)* and the Ontario Building Code (OBC) as it pertains to accessibility standards. Accessibility will be reviewed and confirmed prior to Site Plan approval and the issuance of building permit.

ENVIRONMENTAL IMPLICATIONS

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

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more livable for all.
- A city that is green and resilient.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-23-0020) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the number of revisions required to address comments.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Schedule 'yyy'

Document 4 Public Consultation Details

Document 5 Urban Design Review Panel (UDRP) recommendations

Document 6 Architectural Drawings

CONCLUSION

The proposal is consistent with the policies of the Provincial Policy Statement (PPS), the City's Official Plan, the Central and East Downtown Core Secondary Plan, and the Centretown Heritage Conservation District Plan. The proposal is furthermore consistent with the guidelines of the Centretown Community Design Plan (CDP). For the reasons detailed in this Staff Report, the Zoning By-law Amendment application is considered appropriate, and the proposed development represents good land use planning.

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.

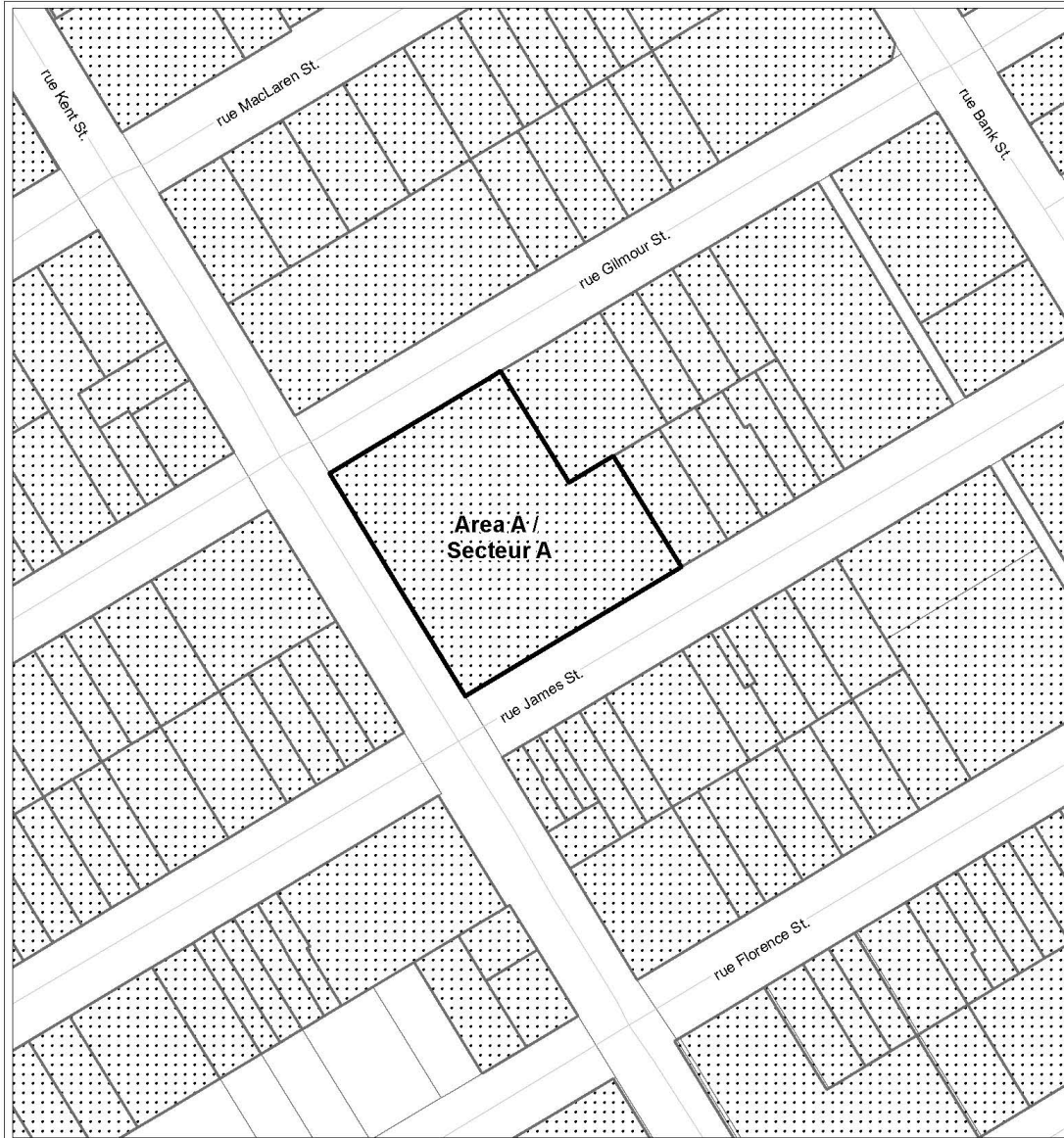
Zoning and Interpretations Unit, Policy Planning Branch, Planning Services to prepare the implementing by-law and forward to Legal Services.





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 – Location Map / Zoning Key Map

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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-23-0020		24-0471-D	
I:\CO\2024\ZKP\Kent_381			
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REVISION / RÉVISION - 2024 / 07 / 31		381 rue Kent Street Area A to be rezoned from R4UD[479] to R5Z[XXXX]-c SYYY Le zonage du secteur A sera modifié de R4UD[479] à R5Z[XXXX]-c SYYY	
			
			
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)			
			

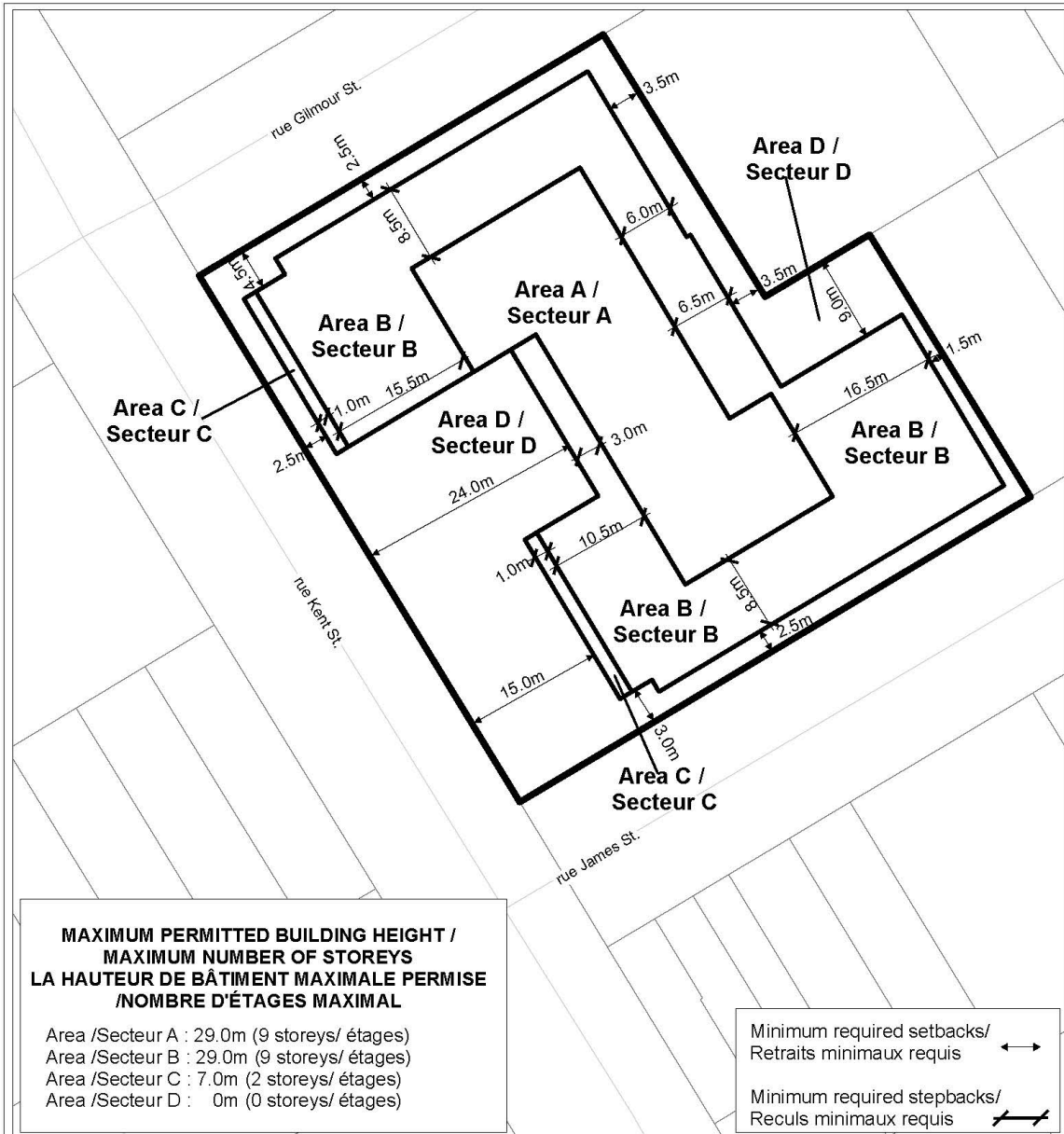
Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 381 Kent Street:

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

- 1) Rezone the lands as shown in Document 1.
- 2) Add a new exception xxxx to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - b) In Column I, Exception Number, add the text “xxxx”
 - c) In Column II, Applicable Zones add the text “R5Z[xxxx]-c Syyy”
 - d) In Column V, Provisions, add the text:
 - Maximum building heights, minimum setbacks, and minimum step backs per Syyy.
 - The permitted projections of Section 64 and 65 of the Zoning By-law are not subject to the height limits of Syyy.
 - Despite Section 65, ground floor terraces are permitted to project up to the lot lines abutting James Street and Gilmour Street.
 - An indoor amenity penthouse is permitted to project up to four metres above the maximum height limit within Area A on Syyy.
 - Despite Section 141(6), the cumulative total of all non-residential uses in a building must not exceed a gross floor area of 200 square metres.
 - Section 60 of the Zoning By-law does not apply.
 - Sections 111(8A), 111(8B) and 111(9) do not apply.
 - Minimum bicycle parking rate: 1 space per dwelling unit.
- 3) Add Document 3 as new schedule yyy to Part 17 - Schedules

Document 3 – Schedule ‘yyy’



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**This is Schedule YYY to Zoning By-law No. 2008-250
Annexe YYY au Règlement de zonage n° 2008-250**

This is Attachment ___ to By-law Number ____, passed ____, 2024
Pièce jointe n° __ du Règlement municipal n° ____, adopté le ____, 2024

Document 4 – Public 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. Comments were received from approximately 20 residents and the Centretown Community Association (CCA). Concerns include: removal of existing medical uses, unit mix, affordability, sustainable features, visitor parking, and soil volume.

Public Comments and Responses

Theme 1: Supportive comments

- There were comments received supporting the proposed development due to the increased housing it will provide for the area, the size and density of the development, the exterior design and proposed publicly owned private space, as well as the proposed commercial spaces.

Theme 2: Park design

- There were requests from the public to ensure that the (previously) proposed park parcel will be animated with benches, play structures, gym apparatus etc.

Response:

- The proposed development proposes to incorporate a Privately Owned Publicly Accessible Space (POPS), as supported by the Secondary Plan policies noted in Staff's report above. Parkland conveyance (of land) will not be required by the City as explained in Staff's report above. The final design for the Privately Owned Publicly Accessible Space (POPS) will be confirmed through the concurrent site plan control approval process.
- The proposed POPS may be limited in its design and function, due to its small size and narrow width. However, the POPS will be consistent with the applicable policies of the Official Plan (4.6.3), the Secondary Plan and the CDP, as will be confirmed through the concurrent site plan control approval process.

Theme 3: Unit mix and affordability

- There were requests made by the public to add more three-bedroom units and increase the size of units. There were also questions surrounding affordability of the units.

Response:

- The applicant has noted that due to market constraints, a maximum of ten three-bedroom units can be accommodated for the subject property at this time.
- To staff's knowledge, there are no affordable housing units proposed at this time. A range and mix of units are provided.

Theme 4: Sustainable features

- There were requests for sustainable features to be included in the design, such as EV charging stations, green roof, heat pumps, solar panels, and high efficiency windows.
- There are requests for more tree planting along the street frontages.

Response:

- There are some EV charging parking spaces provided in the underground parking garage. To staff's knowledge, this development is not proposed to be LEED certified building, but this is a detail that could be confirmed through the concurrent site plan control approval process. There are no requirements in force and effect for high performance development standards. However, the proposal includes a mix of amenity areas and POPS that will green the site, including several areas for soft landscaping and trees.
- The proposed development increases the amount of soft landscaping and trees and other plantings on the subject property and within the City's ROW.

Theme 5: Bicycle parking

- There were comments noting the inadequacy of the proposed bicycle parking.

Response:

- The bicycle parking ratio was raised from 0.5 spaces per unit to over one space per unit. Staff are recommending a minimum requirement of one bicycle parking spaces per dwelling unit in the zoning details to respond to the demand for more bicycle parking. In addition, exterior bicycle parking spaces were added for the commercial uses and visitors.

Theme 6: Parking

- Concerns were raised regarding the loss of existing parking.

Response:

- The Official Plan and Secondary Plan both permit the redevelopment of the subject property for the proposed use. There is also policy direction to generally reduce the amount of surface parking area within the Downtown Core transect, and the subject property benefits from great access to active and public transit to support mobility in the shift to energy efficient transportation modes. The proposal meets the minimum parking requirements for the site.

Theme 7: Removing existing medical uses.

- There were comments concerned about the loss of the existing medical uses on the site, which benefit the whole neighbourhood.

Response:

- The existing medical uses are currently not permitted in the R4UD[479] zone and exist based on legal non-conforming rights. The proposed rezoning will include the Residential Neighbourhood Commercial Suffix, which permits a variety of non-residential uses, including medical facility uses, and will provide an option to continue or propose new medical facility uses.

Theme 8: Public consultation

- There were concerns regarding the lack of public consultation that was undertaken through the application process.

Response:

- 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 residents and Staff's responses to these comments are provided in this Document. The statutory public meeting for this application takes place at the Planning and Housing Committee meeting at the time of Staff's recommendation. Per Section 34 of the *Planning Act*, and the Council approved procedures, the statutory requirements for public notification and a public meeting have been satisfied.

Theme 9: Massing

- Concerns were raised regarding the proposed setbacks and the implications of this on the public realm and the availability of soft landscaping potential. In addition, there is concern regarding the proposed height becoming precedent for other taller heights in the area.

Response:

- The proposed height of up to nine-storeys does not exceed the maximum height limit of nine-storeys per Schedule 'C' of the Secondary Plan. The proposed reduced setbacks along Gilmour, Kent, and James are appropriate given that they generally follow the existing front yard setback pattern along Gilmour and James, as explained in Staff's report above. Furthermore, only a small portion of the building along Kent will have a reduced setback whereas the rest of the building will be buffered by a POPS/landscaping as encouraged by the policies of the Secondary Plan. The reduced interior side yard setback (east) is appropriate given the lot fabric, proposal elements and site context, as explained in Staff's report above.
- The proposed development includes a POPS which will represent 10 per cent of the total area of the subject property, and staff understand that 22 trees are currently proposed. A landscape plan for the subject property has been reviewed by the City's foresters and the details will be confirmed through the concurrent Site Plan approval process.

Community Organization Comments:

This is a good design, in many ways one of the finest proposed in Centretown in recent years.

This building respects the heritage and neighbourhood character of Centretown. The red brick cladding and datum lines respect the neighbouring heritage houses.

The proposed building has a "courtyard" design. This is a cherished feature of Centretown's architectural heritage. Some of the finest heritage apartment buildings in Centretown, going back to pre-WW I, are courtyard design. (The Duncannon, Val Cartier, The The Mayfair, Kenniston Apartments, 407 Elgin, and more) We applaud the courtyard design.

The small park on the corner of Kent and James is wonderful. This will provide green space and trees on a portion of Kent Street that sorely needs them. It will contribute to making an ugly street beautiful and pedestrian-friendly.

The setbacks at the third floor on some faces and at the top corners are good. They mitigate the “canyon” effect.

We applaud this design. However, we have some concerns. And as well, we offer some suggestions.

A number of big concerns centre around the proposed parking.

The proposed bicycle parking is grossly inadequate. The developer proposes a ratio of 0.5 bicycle parking spaces per unit. This is stunning. We have not seen a ratio this low proposed for a sizeable building in Centretown in years. Yes, it complies with the City’s requirement, but that requirement is absurdly inadequate. In downtown Toronto the required minimum ratio is 1.0. An even higher ratio, of 1.1, is part of the design of Main & Main’s proposed nine-storey building at 50 The Driveway in Centretown. We ask the developer: How exactly do you expect residents to move about? We propose the developer provide bicycle parking spaces at a ratio greater than 1.0 per unit.

Bicycle parking for residents must be indoors. The developer proposes putting 20 percent of the bicycle parking outdoors. This is a bad idea. Bicycle theft in Ottawa is rampant. Having resident bicycle parking outdoors almost guarantees bicycles will be stolen. Bike parking for residents must be indoors. Outdoor bicycle parking is for visitors.

We see no provision for EV charging. The world is moving swiftly toward electric vehicles. The developer must provide ample EV charging stations or, at least, the roughing for EV charging.

We question the provision of only 22 visitor parking spots. There is to be commercial/retail on the ground floor. Will all the patrons be walk-ins or will some drive to the businesses, for instance, to doctor or dentist offices, and thus need parking? The provision for visitor parking is low.

Centretown desperately needs to increase the tree canopy, especially in the neighbourhood of this site. We need big trees that are beautiful and provide abundant shade in an increasing hot city core. The corner park provides the space for big trees — if there is space for their roots. The underground parking garage should NOT extend underneath most of the park, so as to leave space for the roots of big trees. (The design of the proposed building at 50 The Driveway was amended, with the underground garage reduced, to accommodate the roots of a big tree.)

We suggest the park be an animated space, with the addition of a bit of infrastructure. Perhaps it could include play structures or outdoor gym apparatus.

The application has no discussion of sustainability or energy efficiency. The City of Ottawa has declared a climate emergency and Canada aims to be carbon neutral by 2050, when the proposed building would be in the “teenage” phase of its lifespan. It must be a sustainable building.

A building this size could obtain heat from a ground-source heat pump.

There can be solar panels on the roof and perhaps on some upper wall spaces. The roof should be reflective, of a light colour.

We would hope to see high-efficiency windows.

We question the mix of apartment sizes. Only ten three-bedroom units are proposed. There should be more units that can accommodate families.

There is no provision for affordable housing. A building of this size must help mitigate the City’s declared housing emergency, by providing affordable units. The developer should take advantage of federal programs that assist with the provision of affordable housing, or work with one of the agencies in Centretown experienced in providing affordable housing.

Finally, we are surprised and dismayed that the developer conducted no public consultation. We know of no public meeting. The developer has not contacted the Centretown Community Association to present its proposal and receive input. This is 2023. There should have been consultation.

For public consultation to be meaningful, it must occur while plans still can be altered. We hope public consultation will occur and will be meaningful. Thank you for considering our submission.

Response:

- Regarding concerns about the bicycle parking rate and location, the bicycle parking ratio was raised from 0.5 spaces per unit to over one space per unit. Staff understand that there are now 230 indoor residential bicycle parking spaces proposed and 5 outdoor commercial bicycle parking spaces proposed.
- Regarding concerns about lack of EV vehicle parking spaces, staff understand that there are 14 EV charging parking spaces proposed in the parking garage.
- Regarding concerns about the number of visitor parking spaces, the design meets the minimum required amount of visitor parking through proposing 22 spaces. Visitor parking spaces applies only to those visiting the residential use

building and not the proposed commercial space. No commercial parking spaces are required.

- Regarding concerns about the previously identified park parcel, the parking garage is not proposed to conflict with the area below the POPS. All details regarding the design of the POPS will be confirmed through the Site Plan Control approval process.
- Regarding concerns about sustainability and energy efficiency, to staff's knowledge, see responses provided above. There are no requirements in force and effect for high performance development standards. However, the proposal incorporates many elements that will ultimately 'green' the site.
- Regarding concerns about unit mix and affordability, the applicant has noted that due to market constraints, a maximum of ten three-bedroom units can be accommodated for the subject property at this time. To staff's knowledge, there are no affordable housing units proposed at this time. A range and mix of units are still provided, however. Please be advised that growth management framework targets for three-bedroom units or "an equivalent floor area" are not enforceable until the Zoning By-Law has been updated accordingly with minimum requirements for three-bedroom units or "an equivalent floor area". **Please note:** there are several two-bedroom units proposed and Staff expect that some of these will meet the intent of "an equivalent floor area".
- Please see Staff's response to public comments on the public consultation comments above.

Document 5 – Urban Design Review Panel (UDRP) Recommendations

Key Recommendations

- The Panel appreciates the scale and contextual development approach and welcomes the addition of mixed-use mid-rise to the neighbourhood and surrounding urban fabric.
- The Panel recommends revising the canopy designs of the residential entrances.
 - Consider a quieter and elegant gesture as an appropriate solution.
- The Panel recommends giving more consideration to the top of the building and how the roofscape meets the sky.
 - Consider quieting and detailing the roofscape element to fade away rather than impose.
- The Panel recommends integrating the POPS (Privately Owned Public Space), private terraces, and public park space to seamlessly collaborate with one another.
 - Consider a holistic approach to the design and landscaping of these spaces.

Site Design & Public Realm

- The Panel commends the design team for a very elegant project that is appropriately scaled for Kent Street.
 - The Panel appreciates the setback to include the POPS and park space.
- The Panel recommends exploring further opportunities for greenery and some landscaping on the east side, between the building and the property line.
- The Panel greatly appreciates the commercial spaces provided on Kent Street and the use of residential at-grade to animate the side streets on Gilmour Street and James Street.
- The Panel suggests further design development of the front yard spaces at-grade regarding how they give back and enrich the streetscape.
- The Panel suggests co-designing the POPS and public park space with the City to ensure seamless integration of the sites landscaping elements.

- The Panel suggests high quality lighting and street furniture will be crucial to the success of the POPS and public park spaces.
- The Panel recommends the POPS and public park space be designed in a manner that reinstates a very robust tree canopy in front of the building along Kent Street, as per built heritage photos of the once canopied Kent Street streetscape.
 - Ensure that the trees can thrive and mature into a large canopy.
- The Panel suggests a high-design park space that is thoughtfully animated under a large tree canopy will be crucial to this development and its function in this heritage district.

Sustainability

- The Panel commends the developer for undertaking a good 9-storey development that integrates well into the surrounding context.
 - The Panel appreciates the addition of a 'missing middle' model of development in this neighbourhood and hopes to see this model of development pursued more often.
- The Panel strongly encourages the proponent to put a greater focus of the design on environmental sustainability.
 - Consider innovative ideas that will contribute to the long-term sustainability of the building and neighbourhood.

Built Form & Architecture

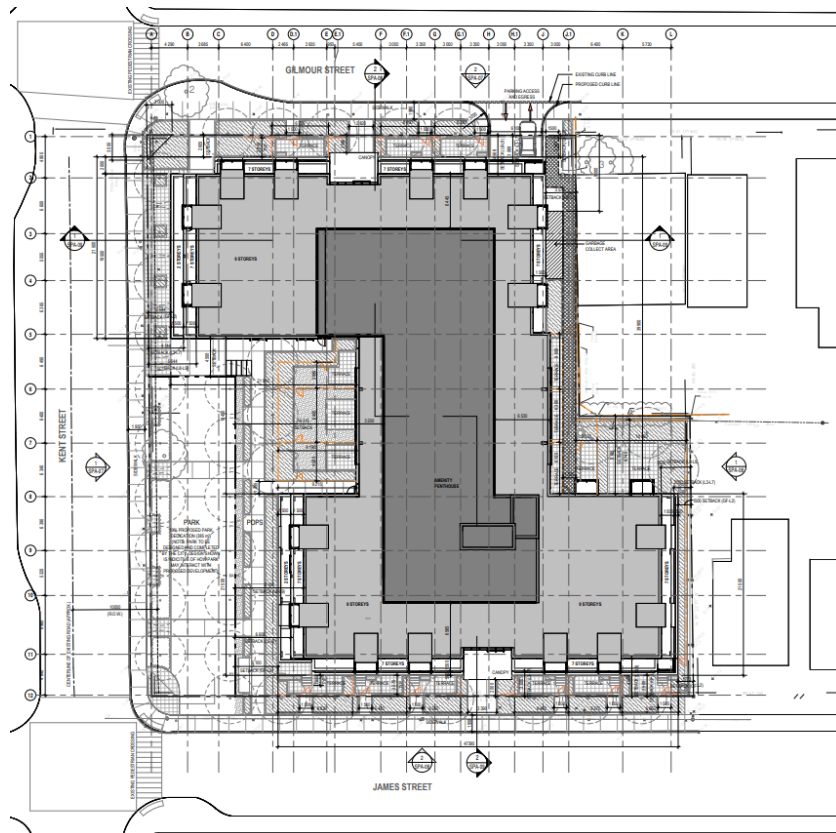
- The Panel recommends not contrasting the residential entrances articulation from the building's architectural language.
 - Consider simplifying the design of the entrances to be more in-line with the building's architectural language.
 - Consider forgoing the contemporary gesture of the entrances for a more classic language.
 - The Panel suggest the wood soffits might work well to distinguish the entrances, but to otherwise stay within the building's framework of expression.

- The Panel appreciates the building footprint and how the building fits within the site.
- The Panel appreciates that the massing and design gives the appearance of two buildings connected as one through a central link.
- The Panel appreciates the timelessness of the architecture proposed.
 - The Panel is encouraged to see good proportions and materials being used.
- The Panel recommends focussing on refining the details of the design and architecture. E.g., brickwork, lighting, corners, and joints.
- The Panel supports the white finishes and white concrete materials as part of the architectural detailing; however, the Panel recommends the long-term durability and maintenance of these materials be ensured.
 - The Panel has concerns with the tarnishing of the materials over time, especially the white finish and white concrete that must be high quality durable materials

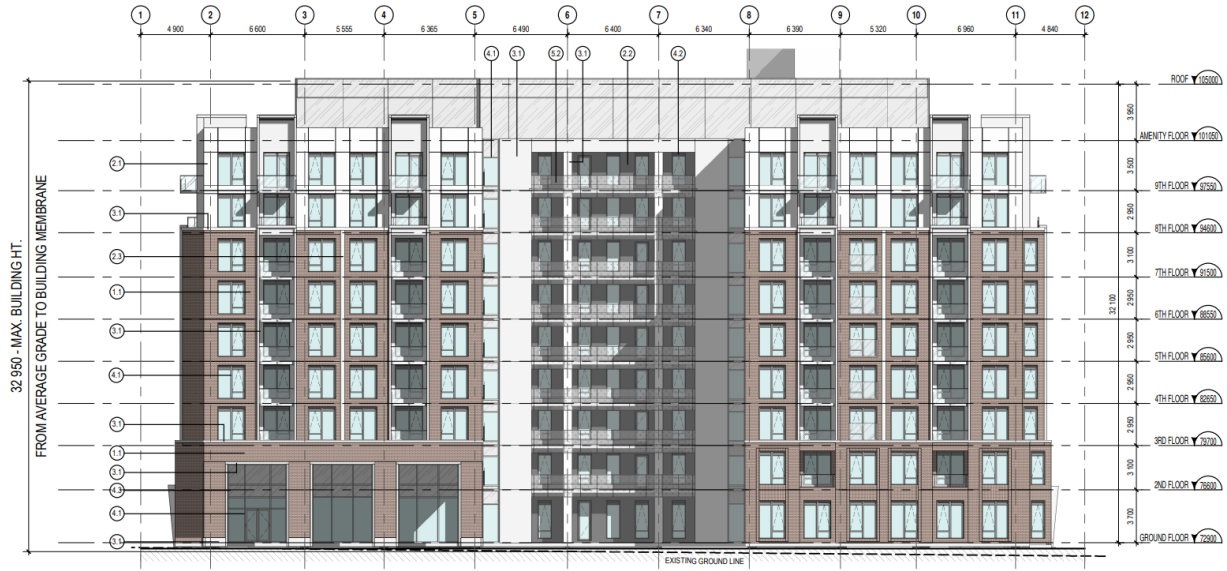
Document 6 – Architectural Drawings



East-facing perspective from Kent Street



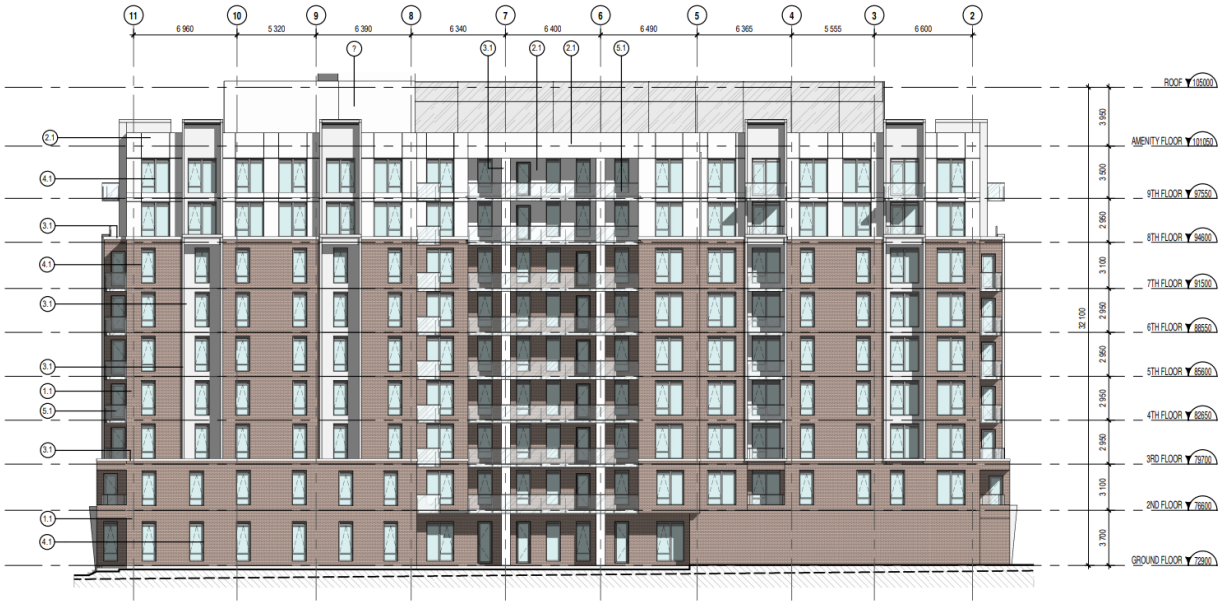
Site Plan (SPA-02) drawing



West Elevation (Kent Street)



North Elevation (Gilmour Street)



East Elevation



South Elevation (James Street)