

Subject: Zoning By-law Amendment – 256 Rideau Street and 211 Besserer Street

File Number: ACS2025-PDB-PSX-0015

**Report to Planning and Housing Committee on 19 February 2025
and Council 26 February 2025**

**Submitted on February 10, 2025 by Derrick Moodie, Director, Planning Services,
Planning, Development and Building Services**

**Contact Person: Jean-Charles Renaud, Planner III, Development Review Central
613-223-7273, Jean-Charles.Renaud@ottawa.ca**

Ward: Rideau-Vanier (12)

**Objet : Modification du Règlement de zonage – 256, rue Rideau et 211, rue
Besserer**

Dossier : ACS2025-PDB-PSX-0015

Rapport au Comité de la planification et du logement

le 19 février 2025

et au Conseil le 26 février 2025

**Soumis le 10 février 2025 par Derrick Moodie, Directeur, Services de la
planification, Direction générale des services de la planification, de
l'aménagement et du bâtiment**

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

613-223-7273, Jean-Charles.Renaud@ottawa.ca

Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council refuse an amendment to Zoning By-law 2008-250 for 256 Rideau Street and 211 Besserer Street, as shown in Document 1, to permit a minimum total amenity area of 1,349.8 metres squared for 579 dwelling units, whereas a minimum total amenity area of 2,277.6 metres squared is required for 566 dwelling units.
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 February 26, 2025, 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 de refuser la modification à apporter au *Règlement de zonage* (n° 2008-250) pour le 256, rue Rideau et le 211, rue Besserer, selon les modalités indiquées dans la pièce 1, pour permettre d'aménager une aire d'agrément d'une superficie minimum totale de 1 349,8 mètres carrés pour 579 logements, alors qu'il faut une aire d'agrément d'une superficie minimum totale de 2 277,6 mètres carrés pour 566 logements.
2. Que le Comité de la planification et du logement approuve l'intégration de la section Détails de la consultation du rapport dans la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffe municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux "explications obligatoires" de la *Loi sur l'aménagement du territoire* à la réunion tenue par le Conseil municipal le 26 février 2025 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend refusal of the Zoning By-law Amendment application for 256 Rideau Street and 212 Besserer Street to permit a reduction in the minimum total amenity area for an existing mixed-use, high-rise building. The applicant is seeking to amend the Zoning By-law 2008-250 to permit a minimum total amenity area of 1,349.8 metres squared for 579 total dwelling units, whereas a minimum of 2,277.6 metres squared of total amenity area is required for 566 dwelling units per the Ontario Land Tribunal (OLT) decision issued on September 12, 2023.

Document 1 shows the location of 256 Rideau Street and 211 Besserer Street; (the “subject property”).

Applicable Policies, By-laws, and Guidelines

The following policies, by-laws and guidelines are not supported by this Zoning By-law Amendment application:

1. Provincial Planning Statement (PPS) 2024

The PPS 2024 provides policy direction on matters of provincial interest related to land use planning and development. Staff have reviewed the proposal and have determined that it is not consistent with PPS 2024.

2. Official Plan

The Official Plan provides the vision, goals and policies for directing development in the urban area, including strategic directions and growth management framework policies, urban design policies, transect policies and urban designation policies. Section 4.6.6 of the Official Plan provides that amenity areas shall be provided in residential development in accordance with the Zoning By-law and applicable design guidelines. Staff have reviewed the proposal and have determined that it is not in conformity with the Official Plan.

3. Central and East Downtown Core Secondary Plan

The Secondary Plan provides the strategic planning direction to guide future development and redevelopment within the Central and East Downtown Core. The Secondary Plan provides general policies for built-form, public realm, mobility, heritage and urban design. The Secondary Plan further provides policies specific to the Downtown Rideau Character Area and the Downtown

Mixed-Use designation, which apply. Staff have reviewed the proposal and have determined that it is not in conformity with the policies of the Secondary Plan.

4. Urban Design Guidelines for High-rise buildings

These guidelines are to be used during the review of development proposals to promote and achieve appropriate high-rise development. Staff reviewed the proposal and have determined that it is not consistent with the guidelines.

5. Transit-Oriented Development Guidelines

These guidelines prioritize development and site planning strategies that facilitate easy and convenient access to higher-order transit options. Staff reviewed the proposal and have determined that it is not consistent with the guidelines.

6. Zoning By-Law 2008-250

Section 137 of the Zoning By-law provides amenity area requirements. The proposal represents a significant deviation from the Zoning By-law amenity area requirements, the intent of the existing zoning and the total amenity area approved by the OLT. A request to reduce amenity area requirements is also not common or generally supported by Staff. The request would not be consistent recent amendments approved by Council, or the draft of new zoning by-law, as current total amenity area requirements are proposed to be maintained.

Further to the above, staff have reviewed the surrounding context and the chronological events regarding previous *Planning Act* approvals and other development decisions regarding the subject property, including building permit history and the previously noted OLT decision. Based on the above, staff have determined that the request is not appropriate and does not represent good land use planning. As such, staff recommend refusal of the proposed Zoning By-law Amendment application.

Other Matters

This Minor Zoning By-law Amendment application was deemed complete on December 13, 2024. This means that the application is subject to the Zoning By-law Amendment application process as it existed in December 2024 and the application therefore does not benefit from the new Delegated Authority process for Minor Zoning By-law Amendment applications, which officially came into effect on January 1, 2025. Staff's recommendation to the Planning and Housing Committee (PHC) is being made within the 90-day legislative timeframe per the *Planning Act*.

Public Consultation/Input

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. Staff received comments from approximately ten residents/ public members. Staff received requests for more information and concerns regarding the developer, construction (noise), the reduction in amenity area and the impacts on tenants and nearby residents, the type of amenity areas, traffic etc.

Consultation details can be found in Document 2.

RÉSUMÉ

Recommandation du personnel

Le personnel des Services de planification recommande de refuser la demande de modification du Règlement de zonage pour le 256, rue Rideau et le 212, rue Besserer, afin de permettre de réduire la superficie minimum totale de l'aire d'agrément d'un bâtiment de grande hauteur polyvalent existant. Le demandeur souhaite modifier le *Règlement de zonage* (n° 2008-250) pour pouvoir aménager une aire d'agrément d'une superficie totale minimum de 1 349,8 mètres carrés pour un total de 579 logements, alors qu'il faut une superficie totale d'au moins 2 277,6 mètres carrés pour une aire d'agrément de 566 logements selon la décision du Tribunal ontarien de l'aménagement du territoire (TOAT) rendue le 12 septembre 2023.

La pièce 1 indique la localisation du 256, rue Rideau et du 211, rue Besserer (la « propriété visée »).

Politiques, règlements et lignes de conduite applicables

Cette demande de modification du *Règlement de zonage* ne respecte pas les politiques, les règlements et les lignes de conduite suivants :

1. Déclaration provinciale sur la planification (DPP) de 2024

La DPP de 2024 définit l'orientation de la politique sur les questions d'intérêt provincial se rapportant à la planification et à l'aménagement du territoire. Le personnel a revu la proposition et constaté qu'elle ne concorde pas avec la DPP de 2024.

2. Plan officiel

Le Plan officiel définit la vision, les objectifs et les politiques pour l'orientation de l'aménagement du secteur urbain, dont les orientations stratégiques ainsi que les politiques-cadres sur la gestion de la croissance, les politiques sur l'esthétique urbaine,

les politiques sur les transects et les politiques sur les désignations urbaines. La sous-section 4.6.6 du Plan officiel prévoit que les aires d'agrément des immeubles d'habitation doivent être aménagées conformément au Règlement de zonage et aux lignes de conduite sur l'esthétique applicables. Le personnel a pris connaissance de la proposition et constaté qu'elle n'est pas conforme au Plan officiel.

3. Plan secondaire du cœur du centre et de l'est du centre-ville

Le Plan secondaire définit l'orientation de la planification stratégique destinée à guider l'aménagement et le réaménagement du cœur du centre et de l'est du centre-ville. Le Plan secondaire prévoit des politiques générales pour la forme bâtie, le domaine public, la mobilité, le patrimoine et l'esthétique urbaine. Le Plan secondaire prévoit en outre les politiques propres au secteur pittoresque du centre-ville Rideau et pour la désignation de la zone de centre-ville polyvalent, qui produit ses effets. Le personnel a revu la proposition et constaté qu'elle n'est pas conforme aux politiques du Plan secondaire.

4. Lignes directrices d'esthétique urbaine pour les habitations de grande hauteur

Ces lignes directrices doivent être consultées pendant l'examen des propositions d'aménagement afin de promouvoir et de réaliser des immeubles de grande hauteur appropriés. Le personnel a revu la proposition et constaté qu'elle n'est pas conforme à ces lignes directrices.

5. Lignes directrices de l'aménagement axé sur le transport en commun

Ces lignes directrices priorisent des stratégies d'aménagement et de planification des sites qui permettent d'avoir facilement et commodément accès aux options de transport en commun du palier supérieur. Le personnel a pris connaissance de la proposition et constaté qu'elle n'est pas conforme à ces lignes directrices.

6. Règlement de zonage (n° 2008-250)

L'article 137 du *Règlement de zonage* porte sur les exigences relatives aux aires d'agrément. La proposition représente une dérogation importante aux exigences relatives aux aires d'agrément dans le *Règlement de zonage*, à l'intention du zonage existant et à la superficie totale approuvée par le TOAT pour les aires d'agrément. Les demandes de réduction de la superficie obligatoire des aires d'agrément ne sont pas répandues ou ne sont généralement pas entérinées par le personnel. Cette demande ne serait pas conforme aux récentes modifications approuvées par le Conseil municipal, ni à la version provisoire du nouveau Règlement de zonage, puisqu'on propose de continuer de respecter la superficie totale actuelle obligatoire des aires d'agrément.

Pour ces motifs, le personnel a pris connaissance du contexte actuel et de l'ordre chronologique des événements des approbations déjà délivrées dans le cadre de la *Loi sur l'aménagement du territoire*, ainsi que les autres décisions prises dans l'aménagement de la propriété visée, dont le relevé rétrospectif des permis de construire et la décision du TOAT que nous venons d'évoquer. Compte tenu de ce qui précède, le personnel a constaté que la demande n'est pas appropriée et ne représente pas une planification judicieuse de l'aménagement du territoire. C'est pourquoi le personnel recommande de refuser la demande proposée pour la modification du Règlement de zonage.

Autres questions

Cette demande de modification mineure du Règlement de zonage a été jugée complète le 13 décembre 2024. Autrement dit, cette demande est soumise au processus de traitement des demandes de modification du Règlement de zonage tel qu'il existait en décembre 2024, et par conséquent, elle ne permet pas de tirer parti du nouveau processus de délégation des pouvoirs pour les demandes de modification mineure du *Règlement de zonage*, qui est entré officiellement en vigueur le 1^{er} janvier 2025. La recommandation adressée par le personnel au Comité de la planification et du logement (CPL) est déposée dans le délai législatif de 90 jours conformément à la *Loi sur l'aménagement du territoire*.

Consultation et commentaires du public

La notification et la consultation publique se sont déroulées conformément à la Politique de notification et de consultation publique approuvée par le Conseil municipal pour les modifications à apporter au Règlement de zonage. Le personnel a reçu les commentaires d'environ dix résidents et représentants du public. Il a reçu des demandes de complément d'information et des motifs d'inquiétude à propos du promoteur, des travaux de construction (bruit), de la réduction de la superficie de l'aire d'agrément et des incidences sur les locataires et les résidents du quartier, sur le type d'aires d'agrément et sur l'achalandage, entre autres.

Nous reproduisons dans la pièce 2 les détails de la consultation.

SYNTHÈSE ADMINISTRATIVE

Recommandation du personnel

Le personnel des Services de planification recommande de refuser la demande de modification du Règlement de zonage pour le 256, rue Rideau et le 212, rue Besserer, afin de permettre de réduire la superficie minimum totale de l'aire d'agrément d'un bâtiment de grande hauteur polyvalent existant. Le demandeur souhaite modifier le

Règlement de zonage (n° 2008-250) pour pouvoir aménager une aire d'agrément d'une superficie totale minimum de 1 349,8 mètres carrés pour un total de 579 logements, alors qu'il faut une superficie totale d'au moins 2 277,6 mètres carrés pour une aire d'agrément de 566 logements selon la décision du Tribunal ontarien de l'aménagement du territoire (TOAT) rendue le 12 septembre 2023.

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1. Déclaration provinciale sur la planification (DPP) de 2024

La DPP de 2024 définit l'orientation de la politique sur les questions d'intérêt provincial se rapportant à la planification et à l'aménagement du territoire. Le personnel a revu la proposition et constaté qu'elle ne concorde pas avec la DPP de 2024.

2. Plan officiel

Le Plan officiel définit la vision, les objectifs et les politiques pour l'orientation de l'aménagement du secteur urbain, dont les orientations stratégiques ainsi que les politiques-cadres sur la gestion de la croissance, les politiques sur l'esthétique urbaine, les politiques sur les transects et les politiques sur les désignations urbaines. La sous-section 4.6.6 du Plan officiel prévoit que les aires d'agrément des immeubles d'habitation doivent être aménagées conformément au Règlement de zonage et aux lignes de conduite sur l'esthétique applicables. Le personnel a pris connaissance de la proposition et constaté qu'elle n'est pas conforme au Plan officiel.

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Ces lignes directrices doivent être consultées pendant l'examen des propositions d'aménagement afin de promouvoir et de réaliser des immeubles de grande hauteur appropriés. Le personnel a revu la proposition et constaté qu'elle n'est pas conforme à ces lignes directrices.

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Ces lignes directrices priorisent des stratégies d'aménagement et de planification des sites qui permettent d'avoir facilement et commodément accès aux options de transport en commun du palier supérieur. Le personnel a pris connaissance de la proposition et constaté qu'elle n'est pas conforme à ces lignes directrices.

6. Règlement de zonage (n° 2008-250)

L'article 137 du *Règlement de zonage* porte sur les exigences relatives aux aires d'agrément. La proposition représente une dérogation importante aux exigences relatives aux aires d'agrément dans le Règlement de zonage, à l'intention du zonage existant et à la superficie totale approuvée par le TOAT pour les aires d'agrément. Les demandes de réduction de la superficie obligatoire des aires d'agrément ne sont pas répandues ou ne sont généralement pas entérinées par le personnel. Cette demande ne serait pas conforme aux récentes modifications approuvées par le Conseil municipal, ni à la version provisoire du nouveau Règlement de zonage, puisqu'on propose de continuer de respecter la superficie totale actuelle obligatoire des aires d'agrément.

Pour ces motifs, le personnel a pris connaissance du contexte actuel et de l'ordre chronologique des événements des approbations déjà délivrées dans le cadre de la *Loi sur l'aménagement du territoire*, ainsi que les autres décisions prises dans l'aménagement de la propriété visée, dont le relevé rétrospectif des permis de construire et la décision du TOAT que nous venons d'évoquer. Compte tenu de ce qui précède, le personnel a constaté que la demande n'est pas appropriée et ne représente pas une planification judicieuse de l'aménagement du territoire. C'est pourquoi le personnel recommande de refuser la demande proposée pour la modification du Règlement de zonage.

Autres questions

Cette demande de modification mineure du Règlement de zonage a été jugée complète le 13 décembre 2024. Autrement dit, cette demande est soumise au processus de traitement des demandes de modification du *Règlement de zonage* tel qu'il existait en décembre 2024, et par conséquent, elle ne permet pas de tirer parti du nouveau

processus de délégation des pouvoirs pour les demandes de modification mineure du *Règlement de zonage*, qui est entré officiellement en vigueur le 1^{er} janvier 2025. La recommandation adressée par le personnel au Comité de la planification et du logement (CPL) est déposée dans le délai législatif de 90 jours conformément à la *Loi sur l'aménagement du territoire*.

Consultation et commentaires du public

La notification et la consultation publique se sont déroulées conformément à la Politique de notification et de consultation publique approuvée par le Conseil municipal pour les modifications à apporter au *Règlement de zonage*. Le personnel a reçu les commentaires d'environ dix résidents et représentants du public. Il a reçu des demandes de complément d'information et des motifs d'inquiétude à propos du promoteur, des travaux de construction (bruit), de la réduction de la superficie de l'aire d'agrément et des incidences sur les locataires et les résidents du quartier, sur le type d'aires d'agrément et sur l'achalandage, entre autres.

Nous reproduisons dans la pièce 2 les détails de la consultation.

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

256 Rideau Street and 211 Besserer Street

Owner

Ashcroft Homes (c/o David Choo)

Applicant

Fotenn Planning + Design (c/o Tim Beed)

Description of site and surroundings

The subject property is an interior through lot, bounded by Rideau Street to the north and Besserer Street to the south. The subject property has a lot area of approximately 1,220 metres squared, a frontage of approximately 20 metres along both Rideau and Besserer Streets and a lot depth of approximately 62 metres.

The subject property further resides on a major city development block, bounded by Cumberland Street to the west and King Edward Avenue to the east. A range of medium- and high-density residential and commercial uses exist along Rideau Street and on nearby streets. The subject property is well supported by frequent bus routes and is approximately 400 metres from the Rideau LRT/O-Train station. The Sandy Hill neighbourhood exists further south of the subject property, which is generally defined by low- and mid-rise uses.

The surrounding area consists of a range and mix of uses, including parks and open space, recreation, educational institutions, shopping centres, office, commercial, retail, and community services and facilities.

The existing development consists of a pair of 29-storey towers connected by an eight storey podium. The site is developed at a very high density (approximately 4,700 units per hectare), with no setbacks and the maximum height permitted by protected view planes of Parliament. Parking could not be accommodated below ground because of lot size limitations; 14 visitor parking spaces are provided within the podium.

Summary of proposed development

The existing 29-storey mixed-use building, built in 2018, consists of 574 dwelling units, 14 visitor parking spaces and 298 bicycle parking spaces.

The proposed development does not consist of any exterior changes and consists only of internal fit-ups, which will result in the removal of amenity area to accommodate the addition of four dwelling units on the third floor (99.2 metres squared) and one dwelling unit (62 metres squared) on the penthouse level. The applicant is proposing to replace 161.2 metres squared of amenity area to accommodate the addition of these five dwelling units, which would increase the total number of dwelling units from 574 to 579.

The applicant has indicated that there would only be a loss of 161.2 metres squared of amenity area, but this proposed Zoning By-law Amendment would reduce the required total amenity area for the existing mixed-use building, from 2,277.6 metres squared to 1,349.8 metres squared.

The existing building includes few balconies and proposes to maintain only 1,349.8 metres squared of its existing communal amenity areas. The applicant has identified that the following existing amenity areas are proposed to be maintained:

- A lounge on the first floor which includes pool tables and an associated sitting area.

- Fitness area on the third floor which includes both cardio machines and free weights.
- Study lounge with shared kitchen on the third floor.
- Study lounge on the ninth floor.
- Sky lounge on the 29th floor.

The fourth Floor Plan in Document 3 provides the typical dwelling unit sizes. The dwelling units range in size from 27.9 square metres (300 square feet) to 54.3 square metres (585 square feet). If the smallest and largest dwelling units are removed, the range is from 28.3 square metres (305 square feet) to 38.1 square metres (410 square feet), which makes up the majority of units. For comparison, a small typical hotel room is 25 square metres and a large one is about 35 to 40 square metres.

Document 3 provides floor plans and site photos showing the exterior of the existing building and the existing amenity areas.

Summary of previous *Planning Act* approvals and building permits history

Staff have reviewed previous *Planning Act* approvals and Ontario Municipal Board (OMB) and Ontario Land Tribunal (OLT) decisions regarding the subject property. This staff report also provides building permit history to provide background on the Zoning By-law Amendment request and to document changes regarding amenity areas.

2013 Site Plan Control Application

A Site Plan Control application (D07-12-13-0090) was submitted in May 2013 by DCR Phoenix, proposing the construction of two 27-storey towers atop a three-storey commercial podium across the 256 Rideau Street and 211 Besserer Street sites. The subject property had been formerly occupied by a three-storey commercial building (Dworkin Furs). The proposal included a total of 205 residential units. The application was appealed to the Ontario Municipal Board (OMB) by the applicant on procedural grounds and a hearing was held in May 2014. The appeal was conditionally approved, pursuant to site plan conditions agreed upon by the City and the Owner and upon receipt by the City and submission to the Board of final plans and studies.

2015 Site Plan Control Application and Zoning By-law Amendment

A Site Plan Control application (D07-12-15-0177) reflecting the above-noted OMB decision was received in November 2015, accompanied by a Zoning By-law Amendment application (D02-02-15-0080). The applications proposed two 26-storey high-rise towers with 275 dwelling units, 1,665 metres squared of amenity space and

529 metres squared of retail space at grade. The previous proposal had included an automated parking system, which required a minor variance decision by the Committee of Adjustment but was not pursued under this approval. Textbook Suites acquired the lands and revised the proposal, eliminating the automating parking system and applying instead for a Zoning By-law amendment to permit 14 visitor parking spaces, rather than providing 164 parking spaces. The Zoning By-law amendment application, which also included reductions to performance standards related to driveway width, aisle widths and access to bicycle parking spaces along Rideau Street, was approved on May 11, 2016, but subsequently appealed to the OMB. The appeal was withdrawn in July 2016, and the Zoning By-law amendment came into effect.

2018 Site Plan Control Revision

A Site Plan Control Revision application (D07-12-18-0010) was submitted by Ashcroft Homes in January 2018. Although the proposed height (82.9 metres) was not proposed to change, the proposal had evolved to become a pair of 29-storey towers connected by an eight-storey podium, with the towers now consisting of 566 rooming units. 1,989 metres squared of amenity space (10 per cent of the rooming units area) was proposed to be located in various areas throughout the building.

2018 Building Permit

Building Permits were issued in 2018 for the construction of a 29-storey, 568-unit building.

2022 Change of Use Permit

A Change of Use permit (A21-007182) was issued in 2022 in order to convert 568 rooming units to 536 dwelling units. The permit also increased the amenity space area to 1,989 metres squared. The submission documents indicated that since the amenity area requirement increased, the number of dwelling units decreased to 536.

2022 Committee of Adjustment Application for Minor Variance

A Committee of Adjustment application for Minor Variance was submitted in February 2022 and proposed to reduce the total amenity area requirements from 3,396 metres squared to 2,277.6 metres squared. The larger number was a reflection of the amenity space requirement of six metres squared for each of the dwelling units, in response to the change of use permit which converted the rooming units to dwelling units. Planning staff did not raise concerns with the proposed relief. The Committee of Adjustment considered the proposal and found that insufficient evidence was presented in order to suggest that compliance with the Zoning By-law could not be achieved. The Committee therefore found that the proposal did not maintain the general intent and purpose of the

Zoning By-law, and as such refused the application for Minor Variance. The Decision was subsequently appealed to the Ontario Land Tribunal (OLT) by the applicant.

2023 Ontario Land Tribunal (OLT) decision

On September 12th, 2023, the OLT issued a decision which established a minimum total amenity area for 566 dwelling units. The applicant was successfully granted a reduction in the minimum total amenity area, from 3,396 metres squared to 2,277.6 metres squared. It is important to note that the OLT approved a total amenity area, rather than a specific rate tied to the number of dwelling units.

The OLT concluded the following:

The Tribunal concludes that the proposed minor variance has met the requirements for the four tests for minor variance. The OP and ZBL are maintained with the proposed high-density development and the Appellant's proposed development is desirable for the downtown core in order to support the downtown core commercial and amenity space by increasing the population density. Further, the proposed minor variance is desirable, as well as minor in nature, as the previous version of the proposed development was approved and City staff provided commentary, stating that the reduced amenity space is minor and creation of kitchen space within the units themselves makes them more sustainable, therefore more desirable.

2023 – Revised Building Permit

A revision to the building permit (REV-A22-007946) was issued in 2023, following the OLT decision which reduced the requirement for amenity area, in order to reinstate 30 dwelling units to a total of 566 dwelling units.

2024 – Revised Building Permit

A revision to the building permit (REV-A23-005002) was issued in 2024 in order to add an additional eight dwelling units, for a total of 574 dwelling units. This permit remains open at this time as it has not undergone final inspection.

2024 – Revised Building Permit

A revision to the building permit (REV-A24-001540) was issued in 2024 for the "fit-up of 5 amenity rooms", which included modifications to five small "amenity rooms" to include elements such as toilets, bathtubs, showers and kitchens. Building Code Services Staff expressed concerns with these "amenity rooms" looking exactly like the dwelling units in the building, but ultimately issued a permit based on the furniture plan which demonstrated the spaces' use as amenity areas. This permit remains open at this time as it has not undergone final inspection.

2024 – Zoning By-law Amendment

Within the context of the current Zoning By-law Amendment (D02-02-24-0031), the applicant has indicated that the proposed reduction in total amenity area would accommodate an increase of five dwelling units, from 574 to 579. It is important to note that the 2023 Ontario Land Tribunal (OLT) decision, which allowed the reduction in total amenity area to 2,277.6 metres squared, was based on a total unit count of 566 dwelling units.

The applicant now proposes 1,349.8 metres squared for a total unit count of 579 dwelling units, having increased the total unit count since the decision. The Zoning By-law Amendment application has been evaluated in the context of this change and the difference between the total amenity area approved by the OLT of 2,277.6 metres squared and the proposed total amenity area of 1,349.8 metres squared.

Summary of requested Zoning By-law amendment

The Zoning By-Law Amendment application proposes to amend the existing “Mixed-Use Downtown zone, Urban Exception 2345, Schedule 61 [MD(2345) S61] Zone” to add a new site-specific zoning provision which would reduce the minimum total amenity area to 1,349.8 metres squared, whereas 2,277.6 metres squared is required.

The following provisions from the existing zoning will be maintained:

- Despite Table 101, no parking is required for dwelling units;
- Despite Table 102, a minimum of 14 visitor parking spaces are required;
- Despite Section 106, nine visitor parking spaces may be a minimum of 2.4 metres wide;
- Despite Section 107(1)(a)(ii), the minimum permitted driveway width for a double traffic lane is 4.8 metres;
- Despite Table 107, the minimum required aisle width accessing parking spaces at 90 degrees is 6.6 metres; and
- Despite Section 111(9), there is no minimum aisle width for accessing bicycle parking spaces located in the yard abutting Rideau Street.

The applicant proposes to amend the “MD(2345) S61” Zone to add the following site-specific zoning provision:

- Minimum total amenity area: 1,349.8 metres squared.

Staff recommend refusal of the proposed Zoning By-law Amendment as detailed above.

Other Matters

This Minor Zoning By-law Amendment application was deemed complete on December 13, 2024. This means that the application is subject to the Zoning By-law Amendment application process as it existed on December 13, 2024, and the application therefore does not benefit from the new Delegated Authority process for Minor Zoning By-law Amendment applications, which officially came into effect on January 1, 2025. Staff's recommendation to the Planning and Housing Committee (PHC) is being made within the 90-day legislative timeframe per the *Planning Act*.

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. Staff received comments from approximately ten residents/ public members. Staff received requests for more information and concerns regarding the developer, construction (noise), the reduction in amenity area and the impacts on tenants and nearby residents, the type of amenity areas, traffic etc.

Consultation details can be found in Document 2.

For this proposal's consultation details, see Document 2 of this report.

Provincial Planning Statement 2024

The Provincial Planning Statement (PPS) 2024 provides policy direction on matters of provincial interest related to land use planning and development. The PPS 2024 sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians. Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Planning Act.

"Chapter 1: Introduction" of PPS 2024 provides information on the vision, the role of the PPS, legislative authority, and how to read the PPS. Section 2.1 of PPS 2024 provides policies for Planning for People and Homes, including policy direction to planning authorities to support the achievement of complete communities. Section 2.2 of PPS 2024 provides policies for Housing, including policy direction to planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs for current and future residents of the regional market area. Section 2.3

provides general policies for Settlement Areas, including policy direction on general intensification and redevelopment.

Official Plan

Section 1 of the Official Plan introduces the City of Ottawa's planning and policy context and documents the role of the Official Plan and how to use the official plan.

Section 2 of the Official Plan outlines the strategic directions. Section 2.1 provides "The Big Policy Moves" which are five broad policy directions which form the foundation to becoming the most liveable mid-sized city in North America over the next century. Section 2.2 provides "Cross Cutting Issues" which are themes that are implemented through the policies in multiple sections of the Official Plan to carry out its vision, goals and provide intent behind policies to guide urban planning and development decisions.

Section 3 of the Official Plan provides the "Growth Management Framework" including policy direction on where growth is to occur, how it is to be managed and what form it will take.

Section 4 of the Official Plan provides city-wide policy direction on mobility, housing, large-scale institutions and facilities, parks and recreation facilities, cultural heritage and archaeology, urban design, drinking water, wastewater and stormwater infrastructure, natural heritage, greenspace and the urban forest, water resources, school facilities and generally permitted uses. The urban design policies of Section 4.6.6 are most relevant.

Section 5 provides policy direction for six concentric policy areas called transects. Each transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural). The subject property is in the Downtown Core Transect Policy Area per Schedule 'A' of the Official Plan.

Section 6 provides policy direction for urban designations which are based on urban function rather than land use. Per Schedule B1 of the Official Plan, the subject property is designated Mainstreet Corridor. Schedule C1 shows the subject property within a Protected Major Transit Station Areas (PMTSA).

Central and East Downtown Core Secondary Plan

The Central and East Downtown Core Secondary Plan provides the strategic planning direction to guide future development and redevelopment within the Central and East Downtown Core, which includes several former secondary plan areas. Section 2 provides policy direction for urban designations which apply to the entire secondary plan

area. Section 3 provides general policies for built-form, public realm, mobility, heritage and urban design which also apply to the entire secondary plan area.

The subject property is found in the Downtown Rideau Character Area per Schedule 'A' and is therefore subject to the policies of Section 4.6. The subject property is designated Downtown Mixed-Use per Schedule 'B' and is therefore subject to the policies of Section 2.3.

Urban Design Guidelines for High-rise Buildings

The Urban Design Guidelines for High-rise Buildings were approved by City of Ottawa City Council on May 23, 2018. These urban design guidelines are to be used during the review of development proposals to promote and achieve appropriate high-rise development. These guidelines were reviewed for consistency.

Transit-Oriented Development Guidelines

The Transit-Oriented Development (TOD) Guidelines were approved by the City of Ottawa City Council on September 26, 2007. These guidelines prioritize development and site planning strategies that facilitate easy and convenient access to higher-order transit options. These guidelines were reviewed for consistency.

Zoning By-law 2008-250

The subject property is zoned "Mixed-Use Downtown zone, Urban Exception 2345, Schedule 61". The Urban Exception is found in Part 15 and the Zoning Schedule is found in Part 17. The MD parent zone is found in Sections 193-194.

Section 137 of Part 5 (Residential Provisions) provides the amenity area requirements for residential uses. Table 137(5) prescribes the typical requirements for a mixed-use building with nine or more dwelling units. The total amenity area is six metres squared per dwelling unit and 10 per cent of the gross floor area for each rooming unit and the minimum communal amenity area is 50 per cent of the required total amenity area, subject to layout requirements provided in Colum IV of Table 137(5) of Section 137.

As noted above, a Committee of Adjustment application for Minor Variance was approved by the OLT and permits a minimum total amenity area of 2,277.6 metres squared.

Urban Design Review Panel

The property is within a Design Priority Area; however, the Zoning By-law Amendment application was exempted from the Urban Design Review Panel (UDRP) process based on the proposed changes being internal to the existing mixed-use, high-rise building.

Planning rationale

Provincial Planning Statement (PPS) 2024

“Chapter 1: Introduction” of PPS 2024 provides that the vision of the PPS 2024 is “to support the long-term prosperity and well-being of residents through the design of communities responsive to the needs of all Ontarians”. Additionally, the vision of PPS 2024 is also “Above all, Ontario will continue to be a great place to live, work and visit where all Ontarians enjoy a high standard of living and an exceptional quality of life.”

The proposal is not consistent with the above-noted vision statements and the policies of PPS 2024. In particular, the proposed reduction in the minimum total amenity area does not support the policy objective to improve the overall quality of life for people, which would include the residents of 579 potential dwelling units on the subject property. PPS 2024 directs that planning authorities should support the achievement of complete communities, meaning places that offer and support opportunities for equitable access to many necessities for daily living. Amenity areas support and provide opportunities for daily living and should be maintained. Therefore, the proposal does not achieve complete communities under Policy 6 of Section 2.1 of the PPS 2024.

Additionally, although the development proposal would be considered an appropriate housing option as per PPS 2024 definition, it is further Staff’s opinion that this proposal fails to meet the policy objective under Section 2.2 for planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area. The provision of sufficient amenity areas is intimately connected to the provision of an appropriate range and mix of housing options and is crucial to the long-term needs of increasingly vertical and evolving communities in urban areas, especially in downtown core areas. Amenity areas often provide convenient and safe active and passive recreation areas that support social interaction, high quality of living and can vary in use to meet the needs of a diverse population, such as areas for families and work-from-home / remote workers.

Staff do not consider this proposal to be an appropriate form of general intensification, as directed by the policies under Section 2.3 of the PPS 2024, even if the proposal is to convert a portion of an existing building, as it could diminish the quality of life of residents and may compromise the City’s ability to meet the future needs of residents in this development.

Amenity areas in the context of the City of Ottawa’s Official Plan and the provisions of the Zoning By-law, as will be discussed below, are crucial to maintaining a high standard of living and improving the overall quality of life for residents. These active and

passive recreational areas for personal, shared, or communal use are intended to support the long-term prosperity and well-being of people in vertical communities.

Staff have reviewed this proposal and have determined that it is not consistent with PPS 2024.

Official Plan

Section 1.1 provides the plan's vision for Ottawa to become the most liveable mid-sized city in North America. Improving liveability is at the very heart of the Official Plan's vision and amenity area requirements exist within the City's policy framework to help create liveable communities. The provision of active and passive recreational areas for private or communal use in residential developments allows residents to engage in personal and social activities that support urban neighbourhoods as healthy, inclusive and vibrant places; the removal of amenity area would not be consistent with the vision.

The term amenity area, as defined in the Zoning By-law, is exclusive to residential development. This means that policies regarding intensification and diversifying housing options are particularly relevant to this Zoning By-law Amendment request.

The "Big Policy Move 1" of Section 2.1 of the Official Plan aims to achieve more growth by intensification than by greenfield development through a balanced approach to growth management.

Section 2.2.1 describes the policy intent of the Official Plan's policies relating to intensification and housing. Policy Intent 3) provides the following as it relates to the need for public amenities and services to support intensification and housing options:

"To support the City's strategy to achieve a 60 per cent intensification target by 2046, the City will:... Help Neighbourhoods evolve towards being inclusive, walkable, 15-minute neighbourhoods that will provide the public and private amenities that will attract new residents;..."

The policy excerpt above makes a distinction between public and private amenities. This demonstrates that both public and private amenities are necessary to support intensification and diversify housing options. This policy intent further suggests that the absence of private amenities would not be offset by the presence of public amenities.

Section 2.2.4 describes the policy intent of the Official Plan's policies relating to healthy and inclusive communities. Policy Intent 2) provides that "Healthy, inclusive communities:...Support placemaking features that consider the needs of women, children and older adults and cultural groups. This could include child-friendly urban design, inclusive public gathering places and cultural assets..." Placemaking is defined

by the Official Plan as “A process that seeks to strengthen the connection people have to their communities through ensuring...communal amenity areas benefit everyone by promoting people’s health, happiness and well-being... Placemaking is about creating places people care about and want to be in.” Further to the definition above, the provision of community amenity areas is a form of placemaking that supports a primary objective of Section 2.2.4, which is to develop of healthy, inclusive communities.

Section 2.2.5 provides direction to improve access to amenities to support gender and racial equity. One of the ways this is achieved is by “Encouraging the design of buildings and site plans that are able to provide amenities that meet the needs of families with children, including... children’s play areas and areas for socialization.” This policy intent further demonstrates the need to provide sufficient amenity areas to accommodate a diversity of residents and increase socialization.

Section 3.2 provides policy direction to support intensification within the built-up portion of the urban area. The policies direct intensification to Hubs and Corridors to support the development of 15-minute neighbourhoods. The total unit count of the existing building by far exceeds the applicable minimum residential density requirements of Table 3a of Section 3.2 and so the addition of five more dwelling units at the disposal of existing amenity area is not justified.

Section 4.6.6 provides the urban design policies which aim to enable the sensitive integration of new development of low- mid- and high- rise buildings to ensure Ottawa meets its intensification targets while considering liveability for all.

Policy 4 of Section 4.6.6 requires the following:

“Amenity areas shall be provided in residential development in accordance with the Zoning By-law and applicable design guidelines.”

Further to the above, the Official Plan aims to strike a balanced approach to growth management where intensification is supported by components that ensure liveability for all. As noted, amenity areas play an integral role in supporting this objective. This policy intent is linked to the policy above which requires amenity areas in accordance with the Zoning By-law and applicable design guidelines. The Zoning By-law Amendment application proposes a total amenity area that is significantly less than the total required by the Zoning By-law and is therefore not consistent with the policy above.

Policy 4 further provides the following:

“The (amenity) areas should serve the needs of all age groups, and consider all four seasons, taking into account future climate conditions. The following amenity area requirements apply for mid-rise and high-rise residential:

- a) Provide protection from heat, wind, extreme weather, noise and air pollution; and
- b) With respect to indoor amenity areas, be multi-functional spaces, including some with access to natural light and also designed to support residents during extreme heat events, power outages or other emergencies.

The intent of the policy above, which is linked to the Zoning By-law, is to ensure a sufficient total amenity area is provided to support intensification and meet the needs of all residents. The existing amenity areas may provide some variety, but these areas would be insufficient to accommodate the residents of 579 dwelling units and would therefore not be consistent with the amenity area requirements of Policy 4 above.

The existing mixed-use, high-rise building is permitted within the Mainstreet Corridor designation and is appropriately located within the Downtown Core Transect Policy Area and a Protected Major Transit Station Areas (PMTSA).

In conclusion, the policies of the Official Plan support the provision of sufficient amenity areas and in accordance with the Zoning By-law. Staff have reviewed this proposal and have determined that it is not in conformity with the Official Plan.

Central and East Downtown Core Secondary Plan

Section 3.1 provides general built-form policies to guide development throughout the Central and East Downtown Core Secondary Plan. Policy 1(b) provides that development will contribute positively to the entire adjacent public realm through useable indoor and/or outdoor amenity area. This Zoning By-law Amendment application proposes to remove a significant amount of amenity area which would limit the capacity of the leftover amenity areas to support the residents of the proposed 579 dwelling units. Such a reduction in total amenity area could render the maintained amenity areas unusable if they are not able to meet the needs of existing and future residents.

Additionally, the proposal aims to remove amenity areas on upper floors of the existing building which is the preferred location for amenity areas along Rideau Street, as amenity rooms are not permitted along mainstreet frontages per Policy 3 of Section 3.1 of the Secondary Plan.

The subject property is in the Downtown Rideau Character Area but abuts the Sandy Hill Character Area to the south. Though these character areas are guided by distinct, more area-specific policies, it is important to note the emphasis placed upon the provision of amenity areas in other character areas in the Central and East Downtown Core, as it informs the intent of the general policies of Section 3.1, as noted above, which concern the integration of amenity areas. Policy 122) of 4.7.6 states that site

development is “To ensure that new development shall provide for internal and external on-site amenity areas.”

Staff have reviewed this proposal and have determined that it does not conform to the policies of the Central and East Downtown Core Secondary Plan.

Urban Design Guidelines for High-rise buildings

The proposal is not consistent with the urban design guidelines for built form and animation which prioritize the integration of amenity areas, including in the upper floors, to complement built-form design and meet the needs of a diversity of potential users, including seniors and children, residents and employers, local people and visitors. The definition of amenity area in the guidelines is aligned with the definition of amenity area provided in the Zoning By-law, which indicates that the intent of the guidelines is to ensure an appropriate total of amenity area is provided in residential high-rise buildings in accordance with the Zoning By-law. Staff have determined that the proposal is not consistent with these guidelines.

Transit-Oriented Development Guidelines

The proposal is not consistent with the guidelines for land use and pedestrians and cyclists which encourage amenities that support active transportation and are consistent with the policy framework of the Official Plan and the City’s Zoning By-law. Staff have determined that the proposal is not consistent with these guidelines.

Zoning By-law 2008-250

The City of Ottawa’s Zoning By-law implements the policies of the Official Plan. Section 137 in Part 5 (Residential Provisions) of the Zoning By-law requires that amenity area must be provided. In the context of the Zoning By-law, it is important to consider the variety of ways to achieve the amenity area requirements of Section 137.

As defined, amenity area means:

“...the total passive or active recreational area provided on a lot for the personal, shared or communal use of the residents of a building or buildings, and includes balconies, patios, rooftop gardens and other similar features, but does not include indoor laundry or locker facilities.”

The existing building provides few balconies for individual units and the dwelling units are generally small. Both the lack of balconies and the small unit sizes place further importance on communal amenity areas to provide additional active and passive recreational areas where this is not made possible in the dwelling unit. The applicant’s

proposal is significantly deficient in communal amenity areas, and this is not supported by the zoning by-law.

Typically, a mixed-use, high-rise building consisting of 579 dwelling units would be required a total amenity area of 3,474 metres squared and a minimum 50 per cent of this total would be required as communal amenity area (1,737 metres squared). Despite the minimum total amenity area (as decided upon by the OLT), the proposed total amenity area, which is entirely communal, would still represent a significant deviation with 387.2 metres squared less communal amenity area than what is normally required under the Zoning By-law. The communal amenity area is significantly deficient, and this is not supported by the zoning by-law.

The proposed total amenity area reduction results in the loss of approximately 930 metres squared of amenity area. Typically, a total of 930 metres squared would be required for 155 dwelling units at 6 metres squared per dwelling unit in accordance with the Zoning By-law. To put this proposal into context, this Zoning By-law Amendment request would be the equivalent of providing no amenity area for a development proposal of 155 dwelling units. As noted above, Official Plan policy requires that amenity areas be provided in residential development in accordance with the Zoning By-law. The removal of amenity area requirements would not be supported by this policy. As such, the extent of the request is not minor and is therefore not supported.

Furthermore, the proposal to replace amenity area and add five more units to the local housing stock is a form of intensification but is not an appropriate form when considering the impacts to existing and future residents. Typically, residents would be afforded an appropriate total amenity area, as required by current Zoning By-law. The total amenity area was already reduced by the 2023 OLT decision, and the proposal would represent a further reduction in total amenity area. While an addition of five dwelling units may seem trivial on the surface, these units would in fact replace 161.2 metres squared of currently available amenity area, which, at 6 metres squared per unit, would be the amenity area requirement for approximately 27 dwelling units. As such, the request has potential adverse impacts and is not considered appropriate.

Staff consider the proposed Zoning By-law Amendment request to be unreasonable in the context of the previous OLT decision which ruled on the desirable total amenity area for a mixed-use, high-rise building of 566 dwelling units. The decision took into consideration the proposed number of units and the surrounding context, as documented by expert witness. The OLT decided that 2,277.6 metres squared of total amenity area was desirable for 566 dwelling units within this site context. The OLT approved a total amenity area number and not a specific rate which would be tied to the number of dwelling units. Staff do not support a further reduction in the total amenity

area, from 2,277.6 metres squared to 1,349.8 metres squared. This represents a significant decrease in contrast to the proposed dwelling unit count, which has increased from 566 to 579 since the OLT decision. A further reduction is not justified and, therefore, the Zoning By-law Amendment is not supported.

In the context of the Mixed-Use Downtown Zone (parent zone), the purpose of the zone is to support the Central Area, as designated in the Official Plan, and allow residential uses. As discussed above, the policies of the Official Plan require the amenity area requirements of the Zoning By-law to be met. An amenity area is an integral component of a residential development, regardless of context. Amenity area requirements are not based on site location, but rather the applicable residential use. This demonstrates that the intent of the Zoning By-law is first and foremost to provide an appropriate total amenity area based on the proposed residential use. The request to reduce the required total amenity area to less than half of the required total amenity area, at approximately 39 per cent of the total, does not uphold the intent of the Zoning By-law and is not supported.

In the context of previous or upcoming city-wide zoning changes, Staff understand that the current requirement of 6 metres squared per dwelling unit is proposed to be carried forward into the [new Zoning By-law](#) with some added flexibility on how to achieve the required total amenity area whether that be by way of private balconies or communal amenity areas. The definition of amenity area is also proposed to remain the same.

Staff also reviewed amendments made to the Zoning By-law since the adoption of the current Official Plan and have concluded that Zoning By-law Amendment requests to reduce total amenity area requirements are not common or generally supported by Staff. Furthermore, recent zoning by-law changes, such as the introduction of Section 76 of the Zoning By-law, as approved by City of Ottawa City Council, suggest Council's desire to see amenity area requirements maintained despite its mandate to prioritize housing, such as office-to-residential conversions. As such, previous and upcoming city-wide policy changes suggest that no further reduction from the minimum total amenity area of the Zoning By-law should be granted.

In conclusion, the proposal represents a significant deviation from the Zoning By-law amenity area requirements, the intent of the existing zoning and the total amenity area approved by the OLT. A request to reduce amenity area requirements is also not common or generally supported by staff. The request would not be consistent with recent amendments approved by Council, or the draft of new Zoning By-law, as current total amenity area requirements are proposed to be maintained at the same rate of six metres squared per dwelling unit.

Staff have determined that the request is not appropriate and does not represent good land use planning. As such, staff recommend refusal of the proposed Zoning By-law Amendment application.

RURAL IMPLICATIONS

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

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Plante is concerned that there is not sufficient amenity space in this proposal especially given the number and size of the proposed units.

ADVISORY COMMITTEE(S) COMMENTS

There were no advisory committee comments received.

ASSET MANAGEMENT IMPLICATIONS

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

LEGAL IMPLICATIONS

Should Council accept the staff recommendation, being the refusal of an application for zoning amendment, the applicant has a right of appeal to the Ontario Land Tribunal. In such instance, the estimate for a hearing in respect of the matter is three days and would rely on staff resources.

RISK MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

TERM OF COUNCIL PRIORITIES

This Zoning By-law Amendment application is related to the following Term of Council Priorities:

- has affordable housing and is more liveable for all

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-24-0031) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications. The statutory 90-day timeline for making a decision this application under the *Planning Act* will expire on March 13, 2025.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Consultation Details

Document 3 Site Photos and Floor Plans

CONCLUSION

In conclusion, the proposed Zoning By-law Amendment application is not supported by Staff and is recommended for refusal. The proposal is not consistent with the Provincial Planning Statement 2024. The proposal is not consistent with the policies of the City's Official Plan and the City's guidelines. The proposal is not appropriate and does not represent good land use planning.

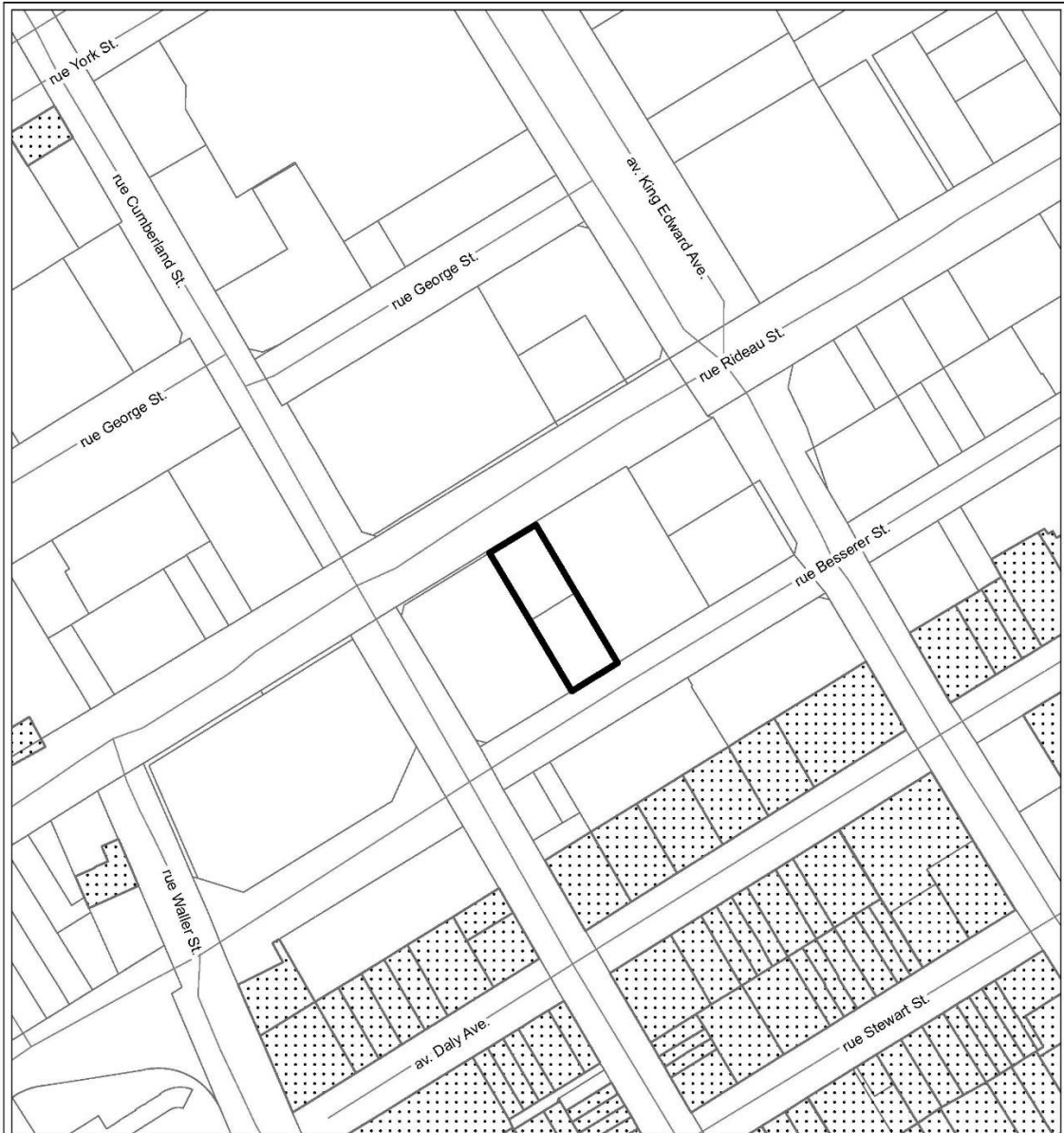
DISPOSITION

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 and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-24-0031	24-1382-X		256 rue Rideau Street, 211 rue Besserer Street
I:\CO\2024\Zoning\Rideau_256		 Heritage (Section 60) Patrimoine (Article 60)	
©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		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)	
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REVISION / RÉVISION - 2024 / 12 / 03			

Document 2 – Consultation Details

Notification and Consultation Process

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. Staff received comments from approximately ten residents/ public members. Staff received requests for more information and concerns regarding the developer, construction (noise), the reduction in amenity area and the impacts on tenants and nearby residents, the type of amenity areas, traffic etc.

Public Comments and Responses

Comment:

I am not in favour of this proposal because the per unit amenity space is too small. The current application provides for 4.1 square meters per unit (2,356 / 574). This is similar to the mentioned (OLT) decision that provides 4.0 metres squared per unit (2,277 / 566). The proposal would reduce the per unit amenity space from 4.1 to 2.3 metres squared per unit (1,350 / 579).

Response

Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above.

Comment:

As long as not much noise is generated during the project, it is ok to me.

Response:

The developer will be responsible for the construction of the site and monitoring the construction of the site in accordance with all applicable City's by-laws and any applicable provincial standards, including noise mitigation where applicable.

Comment:

I understand that the proposal is to increase number of dwellings, not change the footprint of the existing building, and this will reduce the amenity space. Have owners/residents of the building been consulted and voted on this? Is there a consensus on this?

My concern for the amendment is that there are a number of new buildings in the area that are not at full occupancy, and the majority of these buildings' units are short and long term rentals only. Increasing the number- albeit small- of short term rentals is, in my opinion, really only to the developers /owner/investors advantage - and not to the flourishing and development of the local community and its residents.

There is a high proportion of non permanent, non-owner residents in this area who are not as invested in the community, safety and healthy development of the area. I believe there should be a focus on promoting a higher proportion of owner-residents, and long term rentals and developing more green and communal spaces that are safe, and promote local culture.

Response:

Staff do not have information on whether building tenants / residents have been consulted on the conversion of the amenity area. The nature of the tenure or length of lease agreements is not part of the requested Zoning By-law amendment or within the purview of Planning staff.

Comment:

I would like to provide the following comments regarding the subject rezoning application:

1. In the online details, the updated planning rationale for 2024-12-16 and 2024-11-29 seem to be the same file, as they are both dated November 28, 2024. Could it be confirmed if the file linked to the 2024-12-16 planning rationale is the correct version?
2. In the planning rationale, Figures 12 and 13 do not have legends to explain the colour coding of the floor plan. This ambiguity leads to my comment #3.
3. Figure 12 description states that Suite 0322 is amenity space. However, the dotted outline does not include Suite 0322. Suite 0322 is also not coloured in the neon green that is implied to be amenity space. It does not appear that the applicant even knows which suite they are submitting this application for.
4. Figure 13 states that Suite 2918 is amenity, however it does not appear in the figure.
5. Section 4.1 provides a description of some existing amenity areas, but it does not state what amenity is currently in Suite 2917 and 2918 of the penthouse floor of the

tower fronting Rideau street. Without knowledge of what specific amenity is being converted into residential units, a proper assessment of impact cannot be completed.

6. Section 4.2.1 states that units 322, 323, 324, and 325 are existing amenity areas and Section 4 states that there is a study lounge with shared kitchen on that same floor. It is unclear if all four units are study lounges with shared kitchens. An exact description of the amenities in each of the four units is requested. Without knowledge of what specific amenity is being converted into residential units, a proper assessment of impact cannot be completed.
7. Section 5.1.1.6 states that there is a proposed development of 8 dwelling units. This is a contradiction with Section 1.1. where the number of dwelling units is only increasing by 5. The applicant must explain the additional 3 dwelling units that somehow appear only in this section.
8. Section 4.6.6.4 states that the exterior amenity space meets the requirements of this section. However, the requirement includes protection from air pollution, which this exterior space does not comply with. Rideau street has elevated amounts of truck traffic, which increases air pollution in this exterior amenity space. Further, as the 2023 Canadian wildfires have shown, outdoor spaces are a poor substitute for amenity spaces that are meant to be protected from air pollution. For this reason, the existence of the exterior amenity space should not be used as a reason to be able to further reduce the interior amenity space.
9. Section 4.6.6.4 states that there are game rooms, but Section 4.1 does not provide any description of said amenity. It is unclear if the game rooms exist.
10. Section 6.2 states that there are multiple lounge areas, but Section 4.1 only describes one lounge that meets the requirements of Section 4.6.6.4. The sky lounge does not meet the environmental protections required to be an eligible amenity space.
11. Section 6.2 states that there are meeting rooms, but Section 4.1 does not provide any description of said amenity. It is unclear if the meeting rooms exist.

Response:

Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above. Staff are making our recommendation based on the

information that has been provided to us. Further details can be confirmed by the applicant/owner.

Comment:

We are writing to express our objection to this zoning by-law proposal. We own a suite in the next-door building at 195 Besserer St.

We have a few concerns about this proposal.

This is an already dense and busy area with a few high-rise buildings in close proximity to each other and narrow one-way streets. The traffic conditions are already quite bad especially at peak hours. Starting construction in this area is a big concern. We understand that the exterior of the existing buildings is not affected, however, a new construction would mean increased traffic and additional vehicles parked in already packed streets. This would greatly inconvenience everyone residing in all buildings located in proximity to the construction.

Furthermore, the previous proposal has already been approved. The number of units has already increased from 566 to 574. The amenity space has already been significantly reduced. We strongly believe that cutting down the amenity space even more and adding more units to these already packed buildings would not be fair to the residents who live there and greatly inconvenience them.

Response:

Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above.

Comment:

Also, I would like to voice against allowing this zoning bylaw amendment for 256 Rideau/211 Besserer.. There are now 574 units in the building, and the amount of amenity space has already been reduced significantly. The people renting in this building deserve to have the amenity space that was advertised when they entered into their contracts. This building consists of very small units, and the rents are quite high - part of the draw is the amenity space that gives residents other rooms and activities to enjoy outside their shoeboxes. Removing this simply caters to a developer who is desperate to maximize revenue at the expense of the quality of life of the residents.

This particular development is already an egregious stain on the core of a G7 nation, being one of the ugliest buildings I've ever seen, an example of awful planning (which I

was told is due to the City zoning and not developer), and was constructed FAR different than some of the earlier approved architectural renderings. The developer was seemingly given a lot of leeway to "cheap out" on a variety of items, both in terms of the quality of the exterior appearance and material, and items such as parking. It exists as a tumour on 195 Besserer and 242 Rideau, significantly reducing views and natural sunlight in units of those buildings, as well as increasing wind speeds and falling ice between them due to the lack of spacing between towers (in contravention of our own Ottawa high rise guidelines).

It is public knowledge that this developer is in financial difficulty, leaves local contractors unpaid, and cannot pay its debts. If Ashcroft can't create viable properties despite the City seemingly (at least to an outsider) bending over backward to accommodate their cost-saving measures, then they deserve to fail. Adding 5 units will increase their revenue but decrease the quality of life of hundreds of other residents. and it simply doesn't make sense.

Response:

Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above.

Comment:

It is not clear to us what type of dwelling units these will be. The application says "residential". Are these going to be rental units or low-cost housing?

Who are these rental units targeting?

Response:

The applicant's proposal seeks to add five additional dwelling units in areas of the building that are currently identified as amenity area. To staff's knowledge, the building currently caters mainly to university students, but the building tenure or clientele is not relevant to the application. Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above.

Comment:

As an owner in 195 Besserer I was wondering how will this affect my building as well as 242 Rideau St? (I talked with a few owners I know in 242 and we are wondering the same thing. I hope you can explain)

As an owner I would not want amenities to be removed by any means. Because without them a building loses its value. The reason why a person will buy or rent in a particular building depends on the amenities. If a building has a good selection, then it is more appealing to live there.

Also, condo fees partly cover for the maintenance of those spaces, it's the equivalent of buying a gym membership or a pool access. By removing the amenities, the condo fees logically should be reduced significantly. Knowing that this will not happen it does not make sense to destroy these open spaces.

Because if I must pay condo fees and pay for a gym membership it is more appealing to buy a house and instead of paying condo fees, I would buy a gym and pool access.

Another thing to take into consideration; I will take both 195 and 242 as an example; visitor parking is quite limited. If it ever happens that those spaces would be replaced by other apartments that means that visitor parking spaces will be reduced as well. Which honestly does not look good on a building that has more than 200 units. It will be extremely hard to invite guests over, and we live in the heart of Ottawa where parking spaces outside is quite limited. It makes living in downtown quite tricky and frustrating.

A last aspect to take into consideration; a lot of students live in the area where the change is being requested. Whether the students are Canadians or international; the thing that catches a renter's attention is what a building has to offer. If we do not appeal to our biggest customer base, then who are we targeting to rent? Since our target market wants those amenities and it appeals to them to have them; we cannot remove them.

Response:

The Zoning By-law Amendment applications affects 256 Rideau Street and 211 Besserer Street. Staff are recommending refusal of the Zoning By-law Amendment application for the reasons stated in the report above.

Document 3 – Site Photos and Floor Plans



South facing view from Rideau Street



North facing view from Besserer Street



A lounge on the first floor which includes pool tables and an associated sitting area



Fitness area on the third floor which includes both cardio machines and free weights



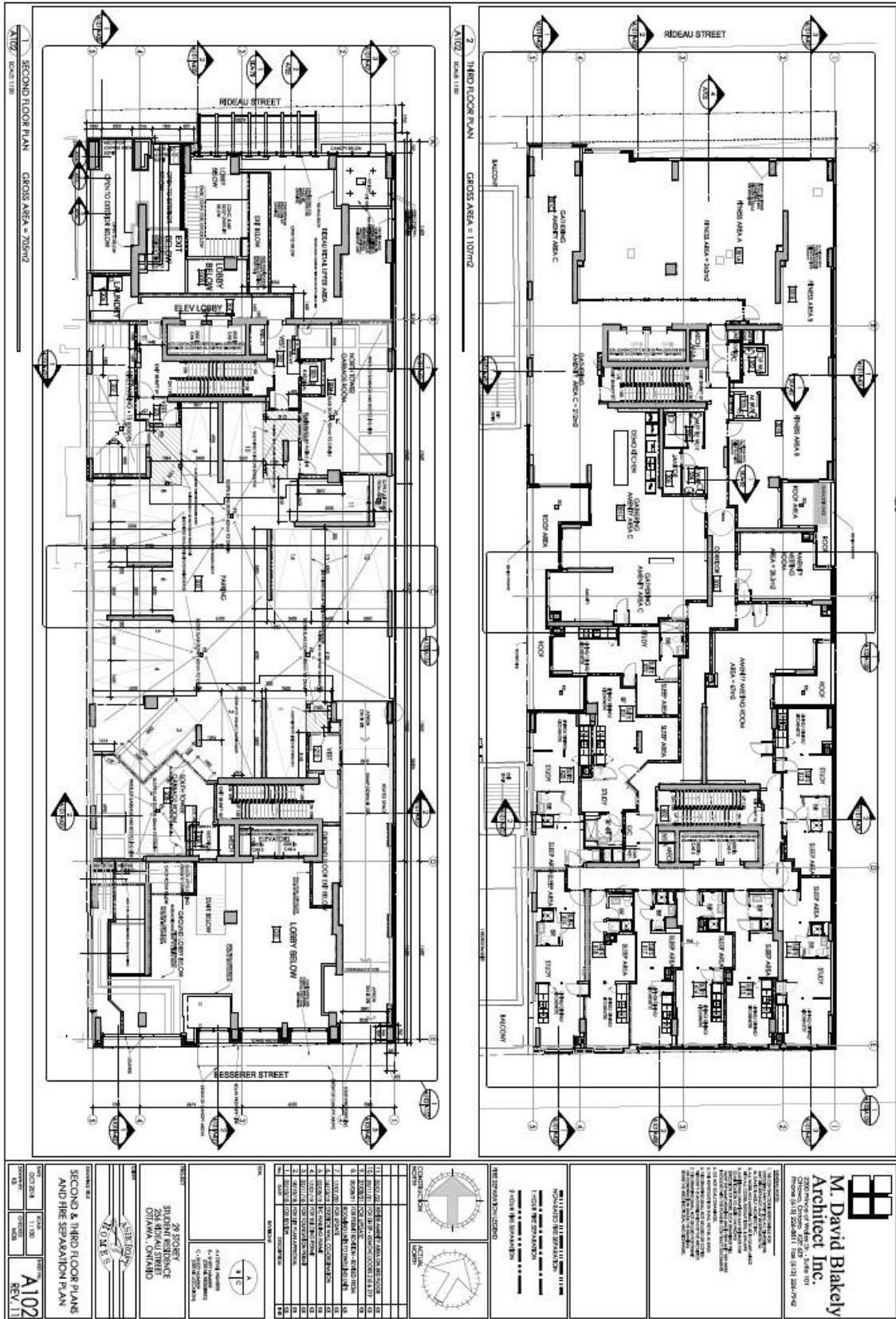
Study lounge with shared kitchen on the third floor



Study lounge on the ninth floor



Skylounge on the 29th floor



<p>M. David Blakely Architect Inc. 2200 Avenue of Millers St., Suite 101 Ottawa, Ontario K1H 3K1 Phone (613) 226-8411 Fax (613) 226-7742</p>		<p>PROJECT: 29 ROBERT STUDENT RESIDENCE 251 RIDEAU STREET OTTAWA, ONTARIO</p>	
<p>DATE: OCT 2018 SCALE: 1/16" = 1'-0" REV: A102 REV. 11</p>		<p>ARCHITECT: M. David Blakely Architect Inc. 2200 Avenue of Millers St., Suite 101 Ottawa, Ontario K1H 3K1 Phone (613) 226-8411 Fax (613) 226-7742</p>	
<p>GENERAL NOTES:</p> <ol style="list-style-type: none"> 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL BUILDING CODE OF CANADA (NBC). 2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL FIRE CODE OF CANADA (NFC). 3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ELECTRICAL CODE OF CANADA (NEC). 4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL MECHANICAL CODE OF CANADA (NMC). 5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL PLUMBING AND HEATING CODE OF CANADA (NPHC). 6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL GAS CODE OF CANADA (NGC). 7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL SAFETY CODE OF CANADA (NSC). 8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL CONSTRUCTION CODE OF CANADA (NCC). 9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL OCCUPANCY CODE OF CANADA (NOC). 10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ACCESSIBILITY CODE OF CANADA (NAC). 11. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ENVIRONMENTAL CODE OF CANADA (NEC). 12. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ENERGY CODE OF CANADA (NEC). 13. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL WATER USE CODE OF CANADA (NWUC). 14. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL WASTE MANAGEMENT CODE OF CANADA (NWMC). 15. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL AIR QUALITY CODE OF CANADA (NAQC). 16. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL SOUND AND VIBRATION CODE OF CANADA (NSVC). 17. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL LIGHTING CODE OF CANADA (NLC). 18. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL THERMAL ENVIRONMENT CODE OF CANADA (NTEC). 19. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL HUMIDITY CODE OF CANADA (NHCC). 20. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL RADIATION CODE OF CANADA (NRC). 21. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ELECTROMAGNETIC INTERFERENCE CODE OF CANADA (NEMIC). 22. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL SECURITY CODE OF CANADA (NSC). 23. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL DEFENSE CODE OF CANADA (NDC). 24. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL CRIME PREVENTION CODE OF CANADA (NCCP). 25. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL TERRORISM PREVENTION CODE OF CANADA (NTPC). 26. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL CYBER SECURITY CODE OF CANADA (NCCS). 27. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL INFORMATION SECURITY CODE OF CANADA (NIC). 28. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL PRIVACY CODE OF CANADA (NPC). 29. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ACCESSIBILITY ACT (AAA). 30. ALL WORK TO BE DONE IN ACCORDANCE WITH THE 2018 NATIONAL ACCESSIBILITY REGULATIONS (NAR). 		<p>LEGEND:</p> <p>1. 1/16" = 1'-0" 2. 1/32" = 1'-0" 3. 1/64" = 1'-0" 4. 1/128" = 1'-0" 5. 1/256" = 1'-0" 6. 1/512" = 1'-0" 7. 1/1024" = 1'-0" 8. 1/2048" = 1'-0" 9. 1/4096" = 1'-0" 10. 1/8192" = 1'-0"</p>	

2nd and 3rd Levels – Floor Plan



Dwelling Units – Floor Plan