

1. ZONING BY-LAW AMENDMENT – 383 ALBERT STREET AND 340 QUEEN STREET

MODIFICATION AU RÈGLEMENT DE ZONAGE – 383, RUE ALBERT ET 340, RUE QUEEN

REPORT RECOMMENDATIONS

That Council approve an amendment to Zoning By-law 2008-250 for 383 Albert Street and 340 Queen Street to permit two twenty-seven storey apartment buildings with ground floor commercial and a parking garage, as detailed in Document 2.

RECOMMANDATIONS DU RAPPORT

Que le Conseil approuve une modification du Règlement de zonage 2008-250 visant le 383, rue Albert, et le 340, rue Queen, afin de permettre deux immeubles d'habitation de vingt-sept étages abritant un espace commercial au rez-de-chaussée et un garage de stationnement, comme l'indique le document 2.

DOCUMENTATION/DOCUMENTATION

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated May 8, 2019 (ACS2019-PIE-PS-0044)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 8 mai 2019 (ACS2019-PIE-PS-0044)
2. Extract of draft Minutes, Planning Committee, May 23, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 23 mai 2019
3. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of June 26, 2019, 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 June 12, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 26 juin 2019 du 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 12 juin 2019 »

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
23 May 2019 / 23 mai 2019**

**and Council
et au Conseil
12 June 2019 / 12 juin 2019**

**Submitted on 8 May 2019
Soumis le 8 mai 2019**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: SOMERSET (14)

File Number: ACS2019-PIE-PS-0044

SUBJECT: Zoning By-law Amendment – 383 Albert Street and 340 Queen Street

**OBJET: Modification au Règlement de zonage – 383, rue Albert et 340, rue
Queen**

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 383 Albert Street and 340 Queen Street to**

permit two twenty-seven storey apartment buildings with ground floor commercial and a parking garage, as detailed in Document 2.

2. That Planning 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 City Clerk and Solicitor's Office 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 12 June 2019," 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 l'urbanisme recommande au Conseil d'approuver une modification du Règlement de zonage 2008-250 visant le 383, rue Albert, et le 340, rue Queen, afin de permettre deux immeubles d'habitation de vingt-sept étages abritant un espace commercial au rez-de-chaussée et un garage de stationnement, comme l'indique le document 2.
2. Que le Comité de l'urbanisme donne son approbation à ce 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 de l'avocat général 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 12 juin 2019 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

A Zoning By-law amendment is proposed for 383 Albert Street and 340 Queen Street. The property is currently subject to two zones. The property municipally known as 383 Albert Street is zoned R5Q[240] H(64) S93 – Residential Fifth Density, Subzone Q, Exception 240, Height limit 64 metres, Schedule 93. The property municipally known as 340 Queen Street is zoned R5P H(64) – Residential Fifth Density, Subzone P, Height

limit 64 metres. In May 2011, the Ontario Municipal Board (OMB) issued a decision that approved the variances relating to a three-tower design that had similar heights.

The request proposes to retain the existing R5P residential zoning and add a new Exception XXXX and Schedule XXX. This amendment is requested to allow for two 27-storey residential high-rise apartment buildings with ground floor commercial uses and a four-level underground parking garage. The density of the third tower approved by the OMB is being transferred into a nine-storey podium. The new zoning will add "parking garage" as a permitted use. The applicant is seeking relief from setback, height and landscaping provisions and also permit commercial uses to occupy 100 per cent of the ground floor area. The rezoning also proposes to establish the subject site as one lot for zoning purposes.

RÉSUMÉ

Une modification au Règlement de zonage est proposée pour le 383, rue Albert et le 340, rue Queen. Les propriétés visées font actuellement l'objet de deux désignations de zonage. La désignation de la propriété dont l'adresse municipale est le 383, rue Albert est R5Q[240] H(64) S93 – Zone résidentielle de densité 5, sous-zone Q, exception 240, hauteur limitée à 64 mètres, annexe 93. La désignation de la propriété dont l'adresse municipale est le 340, rue Queen est R5P H(64) – Zone résidentielle de densité 5, sous-zone P, hauteur limitée à 64 mètres. En mai 2011, la Commission des affaires municipales de l'Ontario (CAMO) a rendu une décision approuvant les dérogations relatives à une conception prenant la forme de trois tours de hauteur similaire.

Il est proposé de conserver le zonage résidentiel R5P et d'ajouter une nouvelle exception XXXX et l'annexe XXX. Cette modification est requise pour permettre la présence de deux tours d'habitation de 27 étages, occupées au rez-de-chaussée par des utilisations commerciales et sous lesquelles serait aménagé un garage de stationnement souterrain de quatre niveaux. La densité de la troisième tour, approuvée par la CAMO, est transférée dans un socle de neuf étages. Le nouveau zonage sera assorti d'une nouvelle utilisation autorisée de « garage de stationnement ». Le requérant souhaite être exempté des dispositions relatives au retrait, à la hauteur et à l'aménagement paysager, et demande que les utilisations commerciales puissent occuper l'intégralité de la surface du rez-de-chaussée. La modification de zonage permettrait de considérer l'emplacement visé comme constituant un seul lot aux fins de zonage.

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

383 Albert Street and 340 Queen Street

Owner

340 Queen Street Limited Partnership (division of Claridge Homes)

Applicant

FoTenn Consultants

Architect

NEUF Architect(e)s

Description of site and surroundings

The subject property is located in the Central Area and is an assembly of two lots, 383 Albert Street and 340 Queen Street. The site is "L" shaped and is bound by Queen Street to the north, Lyon Street North to the east, and Albert Street to the south. The site area is approximately 3,850 square metres.

On 383 Albert Street, there is currently a surface parking lot and on 340 Queen Street there is a two-storey mixed-use building containing restaurant, bar, and adult entertainment parlour. At the corner of Lyon Street and Queen Street there is the Lyon Light Rail Transit (LRT) Station, which has already been constructed and will be retained.

The surrounding area includes a combination of residential, office, hotel, institutional and commercial uses, as well as open space. The built form in close proximity to the site is predominately high-rise, with a generally low-rise residential neighbourhood further west.

Summary of requested Zoning By-law amendment proposal

The proposed development at 383 Albert Street and 340 Queen Street is for two 27-storey high-rise residential towers, with a nine-storey residential component at the corner of Albert Street and Lyon Street. The two residential towers are connected at-grade by a one-storey ground floor commercial use. A four-level underground parking garage, an internal at-grade loading space, and a lay-by is proposed to be accessed from Albert Street. The development is to be built around the existing Lyon LRT Station at the corner of Lyon Street and Queen Street.

There are two zones that currently apply to the subject site. The property municipally known as 383 Albert Street is zoned R5Q[240] H(64) S93 – Residential Fifth Density, Subzone Q, Exception 240, Height limit 64 metres, Schedule 93. The property municipally known as 340 Queen Street is zoned R5P H(64) – Residential Fifth Density, Subzone P, Height limit 64 metres. Both existing zoning designations permit apartment dwellings, mid-high rise uses as well as limited non-residential uses.

The proposed zone retains the R5P designation and adds parking garage as a permitted use and a site-specific exception and zoning schedule. The site-specific exception implements maximum building heights and minimum setbacks as per the associated zoning schedule, with the maximum heights for the two proposed residential towers at 81 metres or 27 storeys. It also permits a reduction in minimum required landscaped area from 30 per cent to 8.9 per cent. The exception also carries forward a minor variance that was approved at the OMB to permit commercial uses to occupy 100 per cent of the ground floor area. Lastly, the exception also identifies that the lands subject to this rezoning are to be considered one lot for zoning purposes.

Brief history of proposal

In November 2010, the Committee of Adjustment refused a Minor Variance application on the subject property to allow a mixed-use proposal with three towers. Claridge Homes appealed this decision. In May 2011, the Ontario Municipal Board (OMB) issued a decision that approved the requested variances. The OMB decision related to a different development proposal than what is currently proposed through this Zoning By-law Amendment and Site Plan Control application. The previous proposal included heights that were similar to those proposed through this application, but the density was distributed differently on site. The purpose of this Major Zoning By-law Amendment application is to amend the zoning to permit a redesign of the proposed development.

The redesign includes redistributing previously approved heights onsite and adding a parking garage as a permitted use. In contrast to the previous proposal, the proposed height of the development on the south-east corner is reduced from 28-storeys to nine storeys and the proposed height of Tower C (further west on Albert Street) is increased from 22 storeys to 27 storeys.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the City's Public Notification and Public Consultation Policy. A total of 11 residents requested to be notified of the application and seven provided feedback on the subject proposal. Document 5 – Consultation Details provides a summary of the comments that were received and staff's responses. The concerns primarily relate to the proximity to the abutting condominium development to the west, the streetscape, and traffic.

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

Official Plan designation

The property is designated Central Area in Schedule B of the Official Plan. In the Central Area Secondary Plan, the area is identified as being within the "Upper Town" Character Area.

Other applicable policies and guidelines

The site is also subject to:

- *Albert and Slater Streets Post Light Rail Transit (LRT) Repurposing Functional Design Study plan.* The subject site is located along the Albert Street transit corridor, which was recently subject to a reconstruction design.
- *Transit-Oriented Development (TOD) Guidelines.* The proposal is developed around the Lyon Street LRT Station, located at the south-west corner of Lyon Street and Queen Street.
- *Urban Design Guidelines for High-rise Buildings.* The proposal introduces two 27-storey high-rise buildings to the site.
- *Downtown Moves: Transforming Ottawa's Streets.* The subject site is located within the study area of the 2013 Downtown Moves Study.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law Amendment application and accompanying Site Plan Control application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting, which was open to the public.

A formal review meeting was held on December 6, 2018. The panel's recommendations from the formal review of the Zoning By-law Amendment application and Site Plan Control application are summarized below.

The Panel recommended:

- Adjusting the density distribution by:
 - Reducing the size of the towers to eliminate the overlap between Tower A (on Queen) and Tower C (Albert Street).
 - Adding a midblock connection through the site for vehicles and pedestrians. This is intended to improve street frontage.
 - Rotating Tower A, so the mass extends the entire block from Queen Street to Albert Street, along Lyon Street. This would improve the

relationship between the proposal and existing residential structures to the west and the relationship between Tower A and Tower C.

- Improving the podium by:
 - Lowering the height of the nine-storey podium to five-storeys. This would bring more natural light into units on lower floors and reduce the canyon effect.
 - Create stronger horizontal architectural expression.
- Improving the architectural expression by:
 - Providing a clearer expression of the base, middle and top of the towers.
 - Creating a quieter architectural expression by reducing material diversity and toning down the façade and top of the towers.
- Improving the Public Realm and Landscape by:
 - Providing a direct connection to the Lyon LRT Station.
 - Being more clear about the details of how the proposal will relate to the public realm.
 - Involving a Landscape Architect to assist with creating streetscape landscaping and sustainable rooftop gardens.
 - Lining the street with multiple retail units to avoid blank walls and advertisements on the ground plane.

The panel was successful in aiding in the implementation of the following:

- The rhythm of the windows and masonry were adjusted to provide a less random appearance. It now has a more regular pattern of stacked openings, spandrel panel and masonry between.
- The ground floor plan changed in order to allow for a direct interior connection to the Lyon LRT Station.
- The owner hired James B. Lennox and Associates Inc. as their Landscape Architect to design the second and tenth floor rooftop terraces.

- The façade of Tower A is pulled back from the façade of the LRT to give ample sidewalk space for increased pedestrian traffic along Queen Street in and out of the new development. This also allows for additional public space close to a busy LRT corner entrance.
- The podium has been modified to emphasize the horizontality of the expression by introducing limestone and curtainwall cladding. This base expression is only broken at the corner of Lyon Street and Queen Street by the existing double storey glass and aluminum box framing the Lyon LRT station, signaling it as a visual marker for pedestrians.
- An additional window has been added to the end of the shared hallway in Tower C upper storeys, providing more natural light into the building and providing a view east for all residents sharing this hallway space.

The UDRP recommendations related to density re-distribution and reducing the height of the podium were not met. The applicant indicated they have as-of-right permissions to greater density articulated in a larger building massing than what is currently illustrated in this design, by virtue of the 2011 OMB decision. Planning Services is of the opinion the current proposal is a significant improvement from the previous design, permitted through the 2011 OMB decision.

Planning rationale

Planning Act and Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), a document that provides policy direction on matters of Provincial interest related to land use development. The PPS contains policies that require an appropriate mix of residential and non-residential uses in urban areas that provide for efficient land use and development patterns to support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

The proposal is subject to the policies contained within the 2014 PPS. Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014. The proposal is in keeping with the PPS by promoting efficient development with a mix of uses in a built form that enhances the vitality of downtowns

and supports the long-term prosperity of vibrant liveable communities with opportunities to live, work and play.

Official Plan Policies

The proposal has been reviewed under the consolidated Official Plan (2003 – OPA76) and in accordance with Council approved amendments contained within Official Plan Amendment 150 (OPA150).

Pursuant to Schedule B and Section 3.6.6, the property designated Central Area. As outlined in Section 3.6.6, the Central Area is the economic and cultural heart of the city. The Official Plan aims to enhance the diversity and attractiveness of the Central Area by encouraging a broad range of land uses, while also supporting residential neighbourhoods. Section 3.6.6 also identifies that the Central Area is made up of a number of distinct sub-areas, each with its own identity and character.

The property at 383 Albert Street and 340 Queen Street is located in the sub-area of the Central Area called Upper Town. The policy for this area states that it will continue to contribute significantly to the City's supply of inner-city housing and will support 24-hour activity in the Central Area. This proposal increases the supply of inner-city housing with the addition of two high-rise apartment buildings with 582 dwelling units.

Section 3.6.6, Policy 6(g) also states that the City shall improve and enhance the pedestrian environment in the Central Area by ensuring the provision of at-grade street-oriented uses with their principal entrances fronting on the sidewalk. The proposed re-zoning will introduce a commercial use at-grade that has active entrances along all three frontages, including Albert Street, Lyon Street and Queen Street. This street-level activity will enhance the pedestrian environment.

The pedestrian environment will be further improved with a widened pedestrian space along the streets abutting the subject site. Through the associated Site Plan application, the applicant will be providing the City with a 1.25 metres road widening along the Albert Street frontage and a 0.9 metres road widening along Lyon Street frontage. A pedestrian easement will also be established along all three frontages.

Section 2.5.1 and 4.11 provides policy direction for urban design and compatibility. Compatible development generally means development that, although not necessarily the same as or similar to existing building in the vicinity, nonetheless enhance an established community and does not cause undue adverse impact on surrounding

properties. In this case, the development fits well within its physical context because it is surrounded by other high-rise residential and mixed-use buildings. The development also helps to define quality public and private spaces and creates an animated streetscape where there is an existing surface parking lot.

Central Area Secondary Plan

In the Central Area Secondary Plan, the area is identified as being within the “Upper Town” Character Area. This area is envisioned to contribute to the vitality of the Central Area as an attractive, liveable urban residential neighbourhood. Housing is identified as the predominant use in the area, with a limited amount of non-residential uses encouraged to be located at-grade. Section 1.10.3 of the Secondary Plan identifies that City Council may permit limited commercial uses at grade within this Upper Town Character Area, provided these uses cater to mainly local residents and do not: attract large volumes of automobile traffic, generate excessive noise and/or fumes, require large areas for on-site outdoor storage of goods or vehicles.

Planning Services is satisfied that the proposed rezoning adheres to the Secondary Plan policies for this Upper Town Area. The proposed commercial use is not anticipated to attract large volumes of automobile traffic as the building is conveniently located at the base of two residential high-rise towers and within walking distance of surrounding residential properties. Furthermore, there is an LRT station built underneath the proposed development, providing easy access by public transit. The applicant is also adding a parking garage use, which can address any parking needs that the new commercial use may incur.

Albert and Slater Streets Post Light Rail Transit (LRT) Repurposing Functional Design Study plan.

The subject site is located along the Albert Street transit corridor, which was recently subject to a reconstruction design. On April 11, 2018, City Council approved the “Albert and Slater Streets Post Light Rail Transit (LRT) Repurposing Functional Design Study Plan”. The study area for this plan included Albert Street, Slater Street and Mackenzie-King Bridge between Empress Avenue and Waller Street. The plan explored opportunities to improve walking, cycling, transit and general traffic along these streets by reallocating existing Transitway lanes after the Confederation LRT Line opens.

The City of Ottawa is now developing a detailed design for the reconstruction of Albert Street to align with the functional design. Interim roadway modifications to Albert Street

between Bay and Waller Street (including in front of 383 Albert Street) are to be implemented following decommissioning of the bus Transitway when the Confederation LRT line comes into service.

The proposal responds to this plan by providing 33 metres of space for an emergency bus platform, at the corner of Lyon Street and Albert Street. This space is provided in case of emergency, should the Lyon Street LRT Station temporarily shut down, to offer an alternative with adequate space for a bus platform. The proposal also accommodates the future cycle track on the north side of Albert Street.

Transit-Oriented Development (TOD) Guidelines.

The proposal is developed around the Lyon Street LRT Station, located at the south-west corner of Lyon Street and Queen Street. The purpose of the TOD Guidelines is to provide guidance to assess, promote and achieve appropriate Transit-Oriented Development. Transit-Oriented Development is defined as a mix of moderate to high-density transit-supportive land uses located within an easy walk of a rapid transit stop or station that is oriented and designed to facilitate transit use.

The proposal addresses these guidelines by replacing a surface parking lot, which is low-density and oriented toward users arriving by automobile, with a high-density development that has a mix of uses and supports a range of transportation options. The applicant is providing the majority of bike parking in the first two levels of underground parking in close proximity to elevators, to facilitate the ease of movement for bicyclists. The ground floor commercial element of the proposed building is also designed to directly connect with the Lyon Street LRT Station. This enables transit users to meet daily needs locally, reducing the need to travel. The applicant is also proposing a four-level underground parking garage with 359 vehicular parking spaces, which is 520 spaces less than the maximum permitted by the Zoning By-law, where located within 600 metres of a rapid transit station. It is Planning Services opinion that the proposed development adheres to the TOD Guidelines.

Urban Design Guidelines for High-rise Buildings.

The proposal introduces two 27-storey high-rise buildings to the site. The “Urban Design Guidelines for High-rise Buildings” was approved by City Council on May 23, 2018. The objectives of these guidelines includes addressing the compatibility and relationship between high-rise buildings and their existing or planned context and creating human-scaled, pedestrian-friendly streets.

Section 2.13 addresses the base of a high-rise building. It identifies that the base of a high-rise building should form continuous building edges along streets. This site currently is occupied by a surface parking lot, which provides large gaps in the building edge along Albert Street, Lyon Street, and Queen Street. This proposal fills in these gaps with a continuous building edge, creating a new street wall condition and animating these streetscapes.

Section 2.16 states that “additional height may be appropriate through the provision of stepbacks and architectural articulation, particularly on wider streets and deeper lots”. The subject site is a deep lot that is located on a corner and is approximately 3,850 square metres in area. The applicant provides a one-metre stepback in massing above the first floor around the majority of the perimeter of the development. It also transitions from a nine-storey element at the corner of Albert Street and Lyon Street to the 27-storey tower along Albert Street.

Section 2.26 addresses separation between towers. It states that in the Central Area, where lot fabric is tight, a reduced separation to a minimum of 15 metres may be considered, provided the towers are staggered and do not overlap more than 15 to 20 per cent of the length of the facing facades. In this case, the two proposed high-rise towers are separated by 15 metres and do not overlap more than 15 per cent of the length of the facing facades. Therefore, the proposal meets the minimum requirement for recommended separation distance between high-rise towers.

Downtown Moves: Transforming Ottawa's Streets.

The subject site is located within the study area of the 2013 Downtown Moves Study. This study identifies ways to make walking, cycling and transit use more comfortable and convenient by improving the streetscape environment. The study also focuses on how to capitalize on the opportunities presented by the implementation of the Confederation LRT. It identifies all three streets abutting the subject site as being “business streets” with either having the “highest” or “high” pedestrian capacity. It also identifies Queen Street to have “priority building orientation”.

The proposal follows the guidance provided in this document by creating active, frontages with facades that are permeable and transparent. The new mix of uses creates interest at-grade and the corner-site development helps to frame the two intersections this site abuts. The incorporation of the Lyon Street LRT Station into the

development and provision of bicycle parking also makes transit and cycling more convenient. In these ways, the proposal is consistent with Downtown Moves.

Proposed Zoning Details

As detailed in Document 2 – Details of Recommended Zoning, the requested Zoning By-law amendment is to permit:

- A parking garage use. The applicant is proposing a four-level underground parking garage with 359 vehicle parking spaces, which is 520 spaces less than the maximum permitted by the Zoning By-law, where located within 600 metres of a rapid transit station. The parking garage is to be accessed from Albert Street. Through the zoning details, it is specified that the parking garage is also limited to being permitted below-grade to ensure animation at-grade.

The applicant provided a Transportation Impact Assessment (TIA) study, which was reviewed by City of Ottawa transportation staff. The proposed parking garage use is not anticipated to create additional traffic volume to the network because the amount of parking spaces proposed for the public parking component is equivalent to the number of parking spaces currently provided on-site within the surface parking lot. The Site Plan Control application will address concerns related to conflicts between vehicles exiting the parking garage and pedestrians/cyclists on the street.

Given that the number of parking spaces proposed is significantly less than what the Zoning By-law permits and further review of traffic safety will take place through the Site Plan Control process, Planning Services is satisfied that the addition of the parking garage use on this site is appropriate.

- Maximum permitted building heights and minimum setbacks as per Schedule XXX.
 - This schedule permits two 27-storey (81 metres) towers as well as a nine-storey (30 metres) residential component at the corner of Albert Street and Lyon Street. The maximum permitted building heights outlined in the schedule will not apply to permitted projections or mechanical penthouses.

- Minimum front yard setback from Queen Street of 1.1 metres, whereas the underlying zone would require 3 metres and the OMB decision required 2.5 metres.
- Minimum corner side yard setback from Lyon Street of 1.5 metres, whereas the underlying zone would require 3 metres and the OMB decision required 2.41 metres.
- Minimum rear yard setback from Albert Street of 0.25 metres, whereas the underlying zone would require 3 metres and the OMB decision required 1.25 metres for the first two storeys.
- Minimum northwest interior side yard setback of 0m, whereas the underlying zone would require 1.5 metres if located within 21 metres of the front lot line and 6 metres if located further than 21 metres from the front lot line and the OMB decision required 3.075 metres.
- Minimum north interior side yard setback of 1.5 metres, whereas the underlying zone would require 1.5 metres if located within 21 metres of the front lot line and 6 metres if located further than 21 metres from the front lot line and the OMB decision required 1.5 metres for the first storey and 8.4 metres for the remainder of the building.
- Minimum southwest interior side yard setback of 1.5 metres, whereas the underlying zone would require 1.5 metres if located within 21 metres of the front lot line and 6 metres if located further than 21 metres from the front lot line and the OMB decision required 1.5 metres.
- These maximum building heights of SXXX do not apply to permitted projections under Section 65. This allows for balconies and additional amenity space.
- Minimum landscaped area of 8.9 per cent of the area of the lot, whereas the underlying zone would require 30 per cent. Planning Services is satisfied that this is appropriate, given the Central Area context and the rooftop terraces proposed. The City encourages the street wall proposed and is satisfied that the roof top terraces provide useable landscaped green amenity space.
- For apartment dwelling high-rise, conditional commercial uses may occupy 100 per cent of the ground floor area and 100 per cent of the building wall facing

Albert Street, Lyon Street North, and Queen Street, whereas the R5Q zone would require that they do not occupy more than 25 per cent and the R5P zone would require that they do not occupy more than 50 per cent. The OMB decision approved conditional commercial uses to occupy 100 per cent of the ground floor area and 100 per cent of the building wall. Planning Services supports ground floor commercial uses as a means to animate the ground floor streetscape and serve residential uses in the area.

- A “one lot for zoning purposes” provision, to permit the entire development to be reviewed holistically by the zoning by-law, regardless of any division of ownership in the future.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney provided the following comments:

“The development of this site as mixed-use retail and residential towers will contribute to housing stock within the downtown core.

However, the 335 proposed parking spots are completely excessive. While I understand the proposed development contains 566 dwelling units, this amount of parking is unacceptable. This development is situated directly adjacent to the Lyon Street LRT station. It is counterintuitive to provide this amount of parking in an area that is currently highly walkable and serviced by frequent bus routes, and in the future very near will be within 50 metres of an LRT station.

A proposal of this size should contain at minimum 20 per cent affordable housing, with a portion of that being deeply affordable housing. The downtown area is in desperate need of affordable housing for all demographics. I cannot fully support a new development of this size without an affordable housing agreement attached to it.”

LEGAL IMPLICATIONS

Members of Council will be aware that Bill 108 has been introduced in the Legislature. This Bill, if passed, will significantly affect the conduct of hearings before the Local Planning Appeal Tribunal. However, at the time of the writing of this comment, draft transitional regulations have not been provided. Thus, it is not known if a zoning by-law enacted at this time would be subject, upon appeal, to the Bill 139 procedure or the Bill 108 procedure.

In any event, should the recommendations be carried and the matter appealed to the Tribunal, it is anticipated that the appeal can be conducted within staff resources. Should the matter be refused, reasons must be provided. In this instance, it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal Implications. In the event that an external planner is retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- EP1 – Support growth of local economy
- TM3 – Integrate the rapid transit and transit priority network into the community

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Zoning Schedule

Document 4 Development Concept Plans

Document 5 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development department supports the proposed Zoning By-law amendment application to permit two twenty-seven storey apartment buildings with ground floor commercial and an underground parking garage. These amendments and the resulting development will replace a lot dominated by surface parking with residential uses that contribute to available housing within the Central Area. It will also permit at-grade commercial uses that will create street level activity to serve local residents and connect with the Lyon LRT Station. As such, the requested Zoning By-law amendment represents good planning and the department recommends the requested amendments be approved.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

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

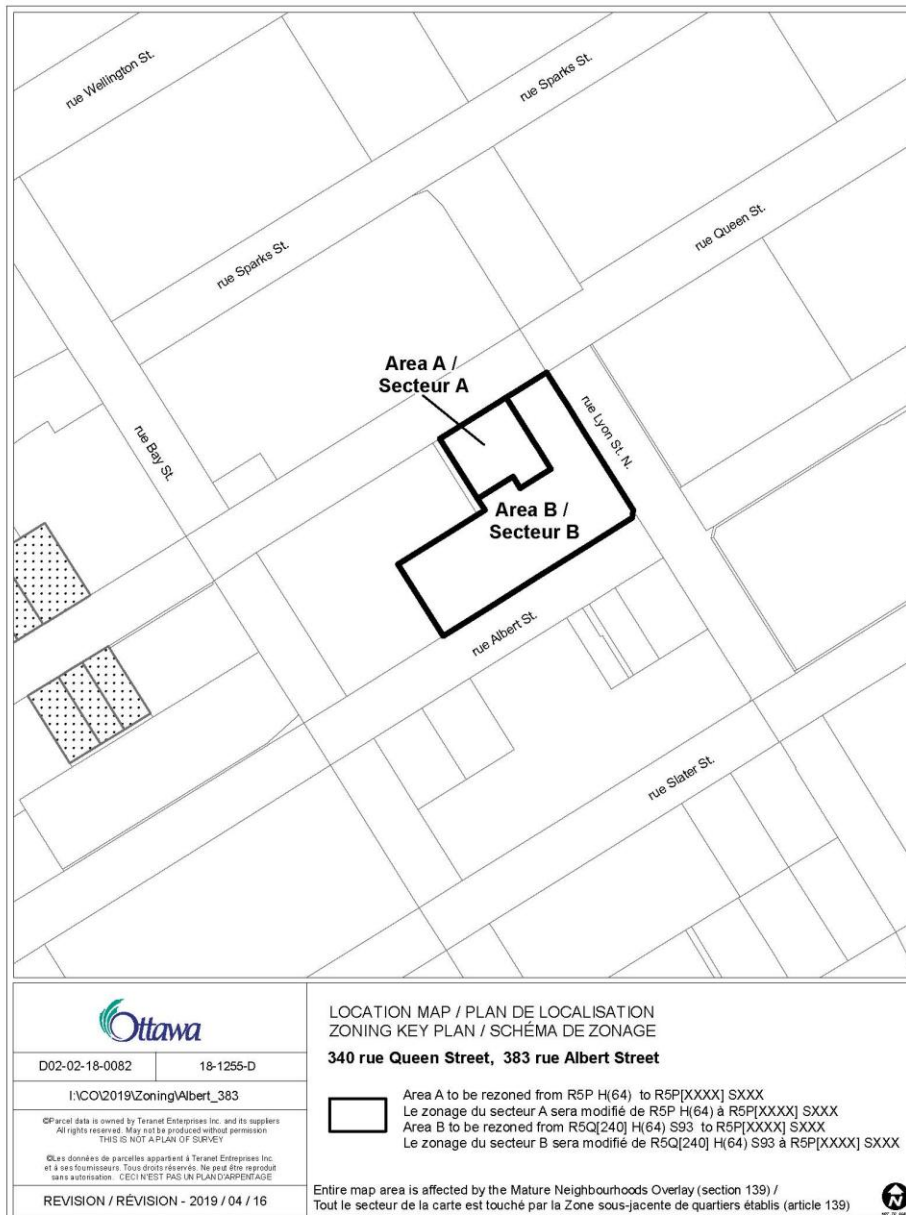
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa. The site is an assembly of two lots, 383 Albert Street and 340 Queen Street. The site is “L” shaped and is bound by Queen Street to the north, Lyon Street North to the east, and Albert Street to the south.

The site area is



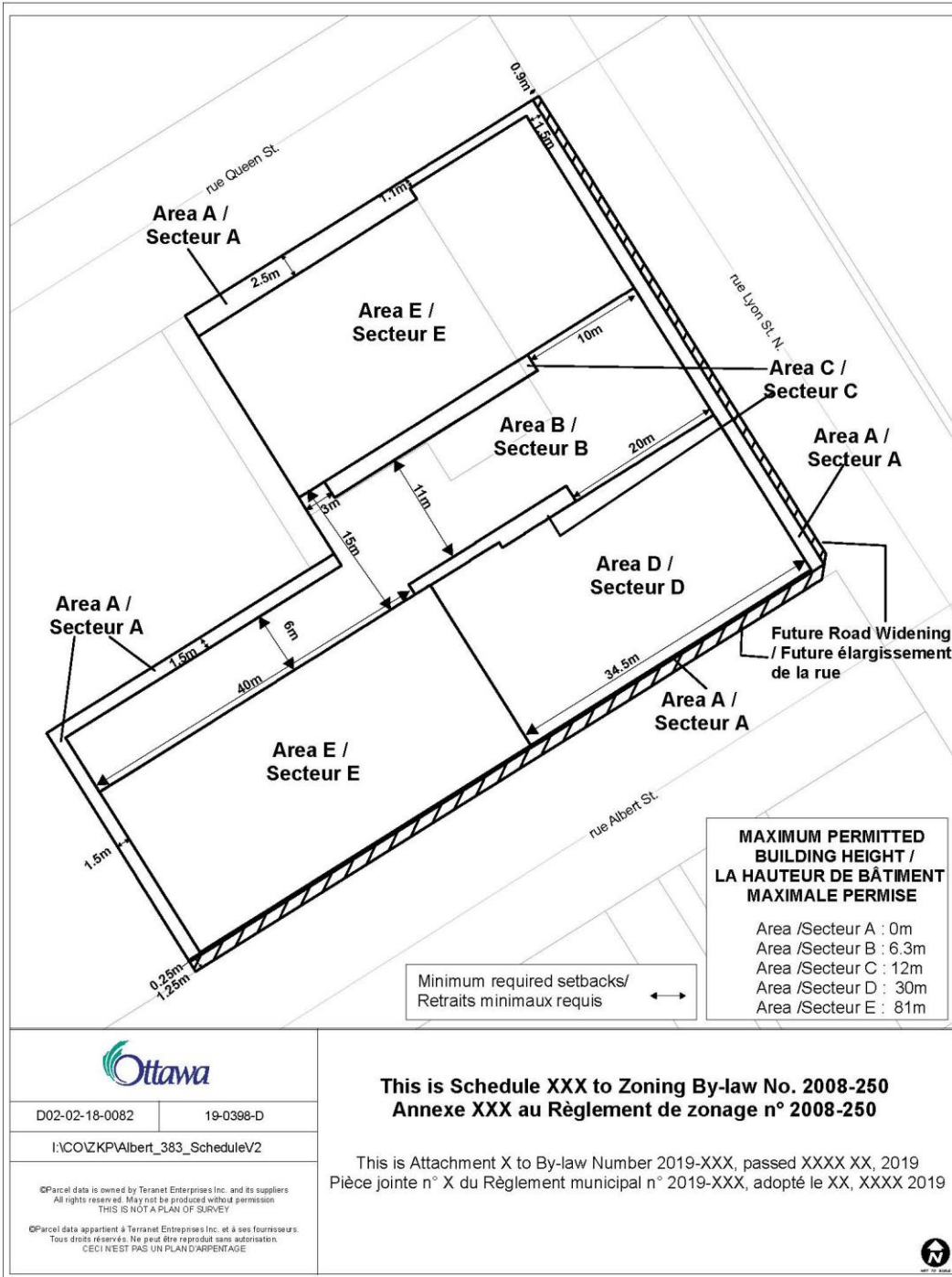
approximately 3,850 square metres.

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 383 Albert Street and 340 Queen Street:

1. Rezone the lands municipally known as 383 Albert Street and 340 Queen Street as shown in Document 1.
2. Amend Section 239 – Urban Exceptions, by adding a new exception [XXXX], with provisions similar in effect to the following:
 - a. In column II add the text: “R5P[XXXX] SXXX”.
 - b. In column III add the text: “Parking Garage”
 - c. In column V add the following:
 - i. Maximum permitted building height and minimum setbacks as per SXXX;
 - ii. Maximum building heights of SXXX do not apply to permitted projections under Section 65;
 - iii. Despite Section 163(9), the minimum landscaped area is 8.9% of the lot area.
 - iv. Despite Section 163(2) and Table 164A and Table 164B, for apartment dwelling high-rise, conditional commercial uses may occupy 100% of the ground floor area and 100% of the building wall facing Albert Street, Lyon Street North, and Queen Street.
 - v. The lands zoned R5P[XXXX] SXXX are considered one lot for zoning purposes.
 - vi. Despite the definition of residential use building, a below-grade parking garage and the conditional non-residential uses listed in Column III of Table 164A and Table 164B, provision 32 and 33 are permitted within an apartment dwelling, high rise.
3. Add Document 3 as a new Schedule Part 17.

Document 3 – Zoning Schedule



Ottawa

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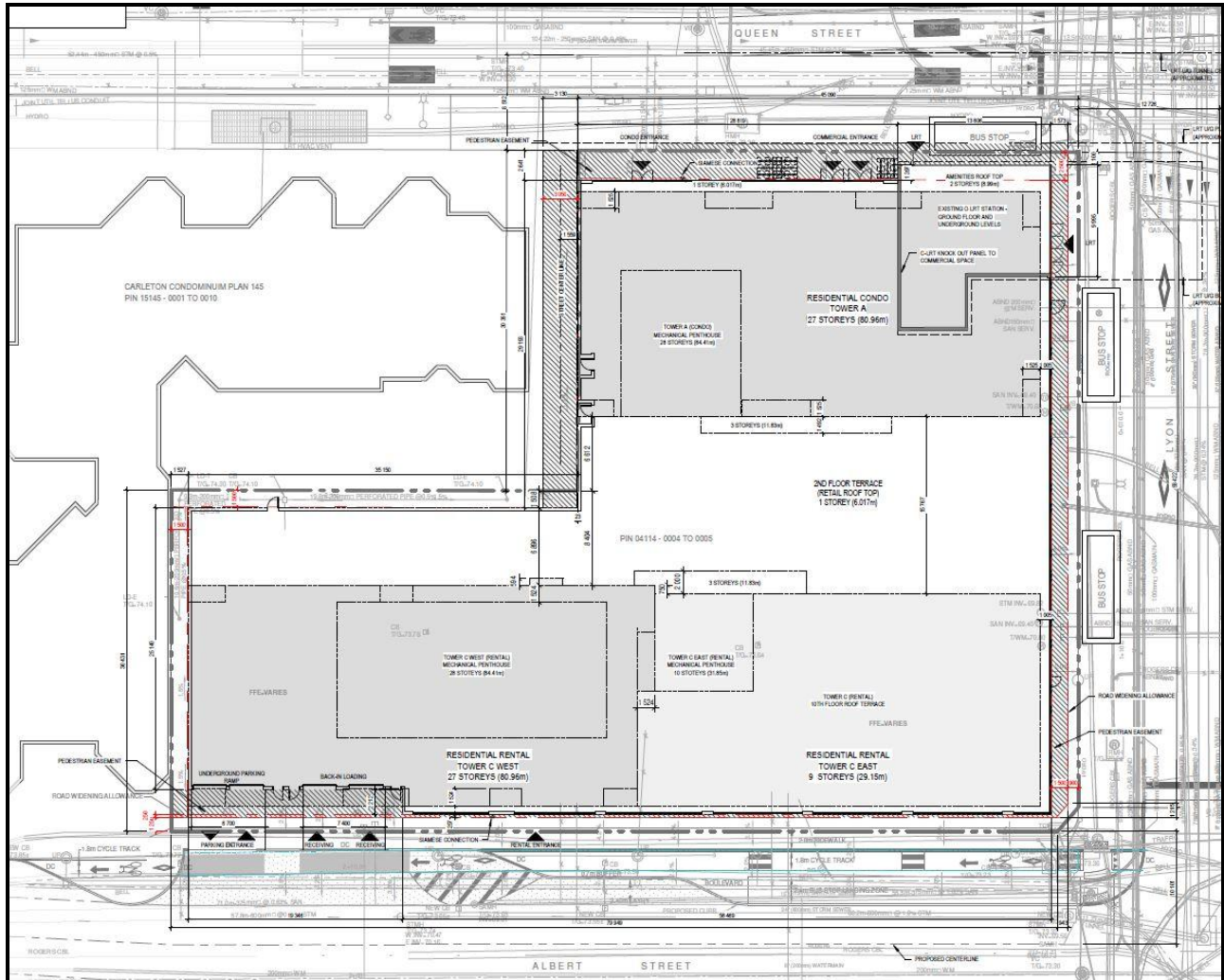
**This is Schedule XXX to Zoning By-law No. 2008-250
 Annexe XXX au Règlement de zonage n° 2008-250**

This is Attachment X to By-law Number 2019-XXX, passed XXXX XX, 2019
 Pièce jointe n° X du Règlement municipal n° 2019-XXX, adopté le XX, XXXX 2019

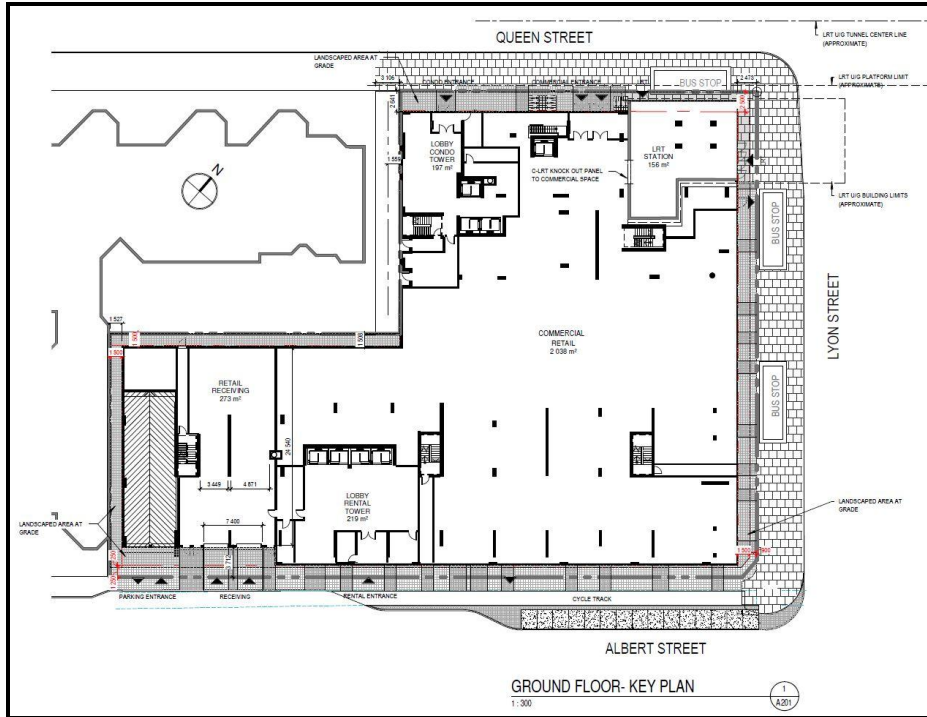


Document 4 – Development Concept Plans

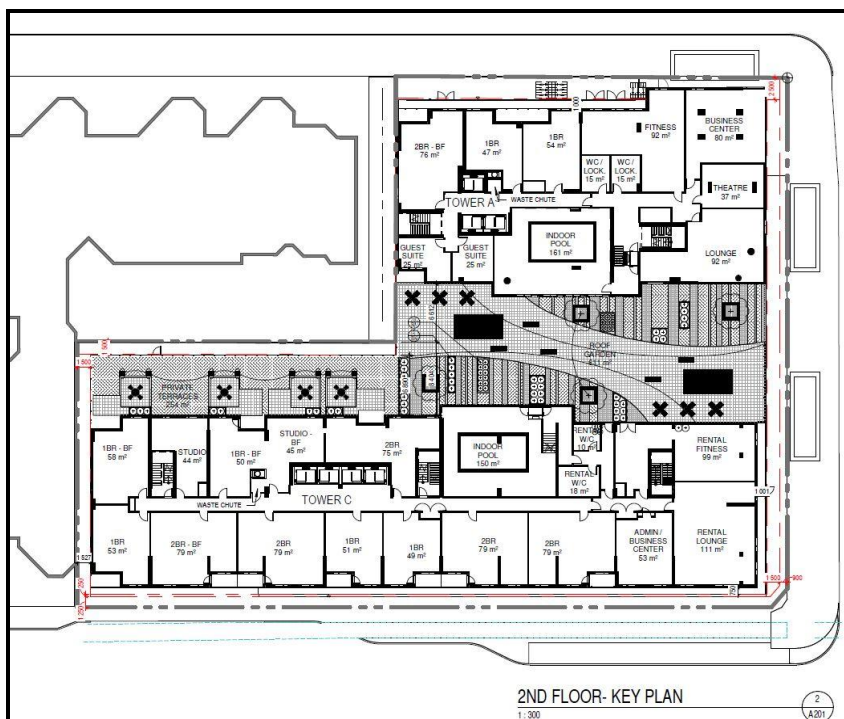
Conceptual Site Plan:



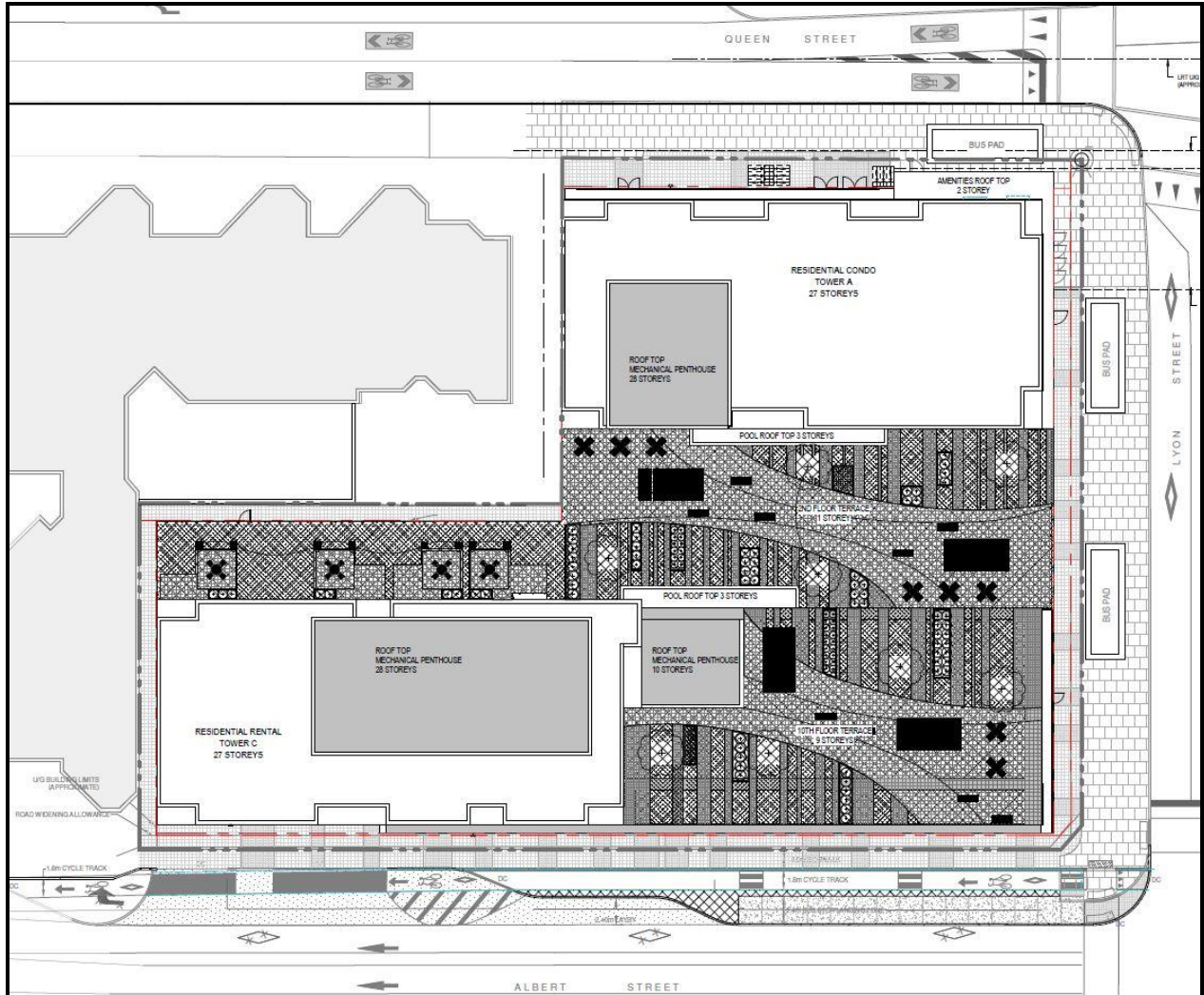
Conceptual Ground Floor Plan:



Conceptual 2nd Floor Plan:



Conceptual Roof Plan:



View of Existing Condition and Conceptual Rendering – View looking North from Intersection of Lyon Street and Albert Street:



ALBERT ST & LYON ST - EXISTING CONDITION

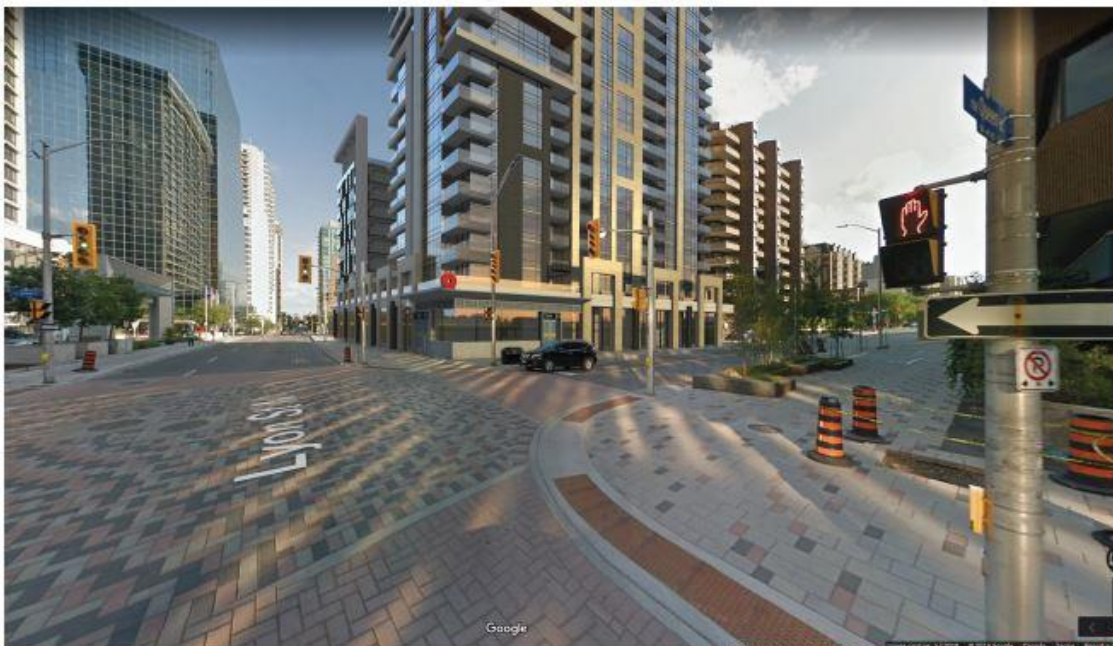


ALBERT ST & LYON ST - PROPOSED DEVELOPMENT

View of Existing Condition and Conceptual Rendering – View looking South from Intersection of Lyon Street and Queen Street:



QUEEN ST & LYON ST - EXISTING CONDITION



QUEEN ST & LYON ST - PROPOSED DEVELOPMENT

Document 5 - 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.

Public Comments and Responses

A total of 11 residents requested to be notified of the application and seven provided feedback on the subject proposal. The seven residents articulated concerns summarized below:

1. There is concern with the proposed setbacks.
 - There was concern with the southern setback on Albert Street. Desire for the proposed building to match the profile of the adjacent building at 151 Bay Street. Concern reduced setback creates canyons and wind tunnels.

Response: The building at 151 Bay Street is setback about 3 metres from their lot line along Albert Street. The building at 383 Albert will be constructed 1.5 metres from what is currently the applicant's lot line along Albert Street. Therefore, the dimension between the Albert Street facing wall on 151 Bay Street and the Albert Street facing wall on 383 Albert Street is approximately 1.5 metres; however, the 383 Albert Street building wall is further setback above the first floor leaving a dimension of approximately 0.7 metres between the two buildings.

Through the Site Plan Control application, the applicant will be transferring a section of the Albert Street frontage at a width of 1.25 metres to the City of Ottawa for a right-of-way. Beyond this, the building will be setback 0.25 metres, a space which will be dedicated as a pedestrian easement. Under the current zone R5Q[240] H(64) S93, the setback from Albert Street would be 3 metres.

The applicant also provided a Wind Study which evaluated the wind effects the proposal would have based on industry standard wind tunnel testing and data analysis procedures. The study found that all surrounding public sidewalks along Queen Street, Bay Street, Lyon Street North, and Albert Street will experience wind conditions suitable for strolling or better, with most locations being suitable

for standing or better, throughout the year, which is acceptable. Planning Services is satisfied that the setback from Albert Street is reasonable.

- Concern with the proposed western interior side yard setback. There is concern that this setback will:
 - i. Reduce the ability for the eastern units in the abutting CCC145 (151 Bay) to enjoy their property.
 - ii. Obstruct the view of abutting CCC145 units down Queen Street.
 - iii. There is a request that at a minimum the western setback should be the same distance as the CCC145 setback so that it is more symmetrical and visually appealing.

Response: On the northern half of the property, while there is a 0 metres interior side yard setback, there is also a privately-owned 3-metre Right-Of-Way segment of land between the subject land and the adjacent property to the west (151 Bay Street). The building located on 151 Bay Street also has an interior side yard setback at this location of approximately 1.5 metres; therefore, in total there is approximately 4.5 metres between the proposed building and the existing CCC145 building. On the southern half of the property, there is a 1.5 metres interior side yard setback. The previous proposal for three towers that was previously approved at the OMB permitted similar interior side yard setbacks. Planning Services is satisfied that the interior side yard setbacks are appropriate.

- Concern with the northern Queen Street setback. There is a desire to ensure that the LRT station have less of a setback than the development, to ensure it is visually prominent. A northern setback of 2.5 metres is reasonable as this would be consistent with the Queen Street setback of the adjacent building (151 Bay Street).

Response: The northern setback has since been amended in order to provide a 2.6 metres setback for building at-grade, narrowing to 1.1 metres only where the building is built on top of the existing Lyon LRT station. The 2.6m area at-grade will also be subject to a pedestrian easement.

2. Concern with limited landscaping. Concern that a lack of landscaping does not contribute to overall beautification of Centretown and that the proposed landscaped elements are not accessible to the community.

Response: The proposed landscaping at-grade will continue to be assessed as the Site Plan process continues.

3. Concern that the proposal will impact CCC145 tenants' ability to enjoy their property due to the effects it will have on sunlight, privacy, views, and property value.

Response: There are no western-facing balconies that would overlook the CCC145 development. There is no evidence that property values will decrease as a result of the proposed infill development.

4. Concern that the scale is not reasonable given the impact it will have on current residents of the neighbourhood and the number of other ongoing residential projects downtown.

Response: Planning Services is satisfied that the proposal is of a scale and form that is appropriate given the Central Area location. This proposal has less density than the proposal approved at the OMB in 2011.

5. There is a desire for there to be a grocery store.

Response: The Owner is permitted to locate a "Retail, Food Store" use at-grade.

6. Concern with bicycle parking access and security.

Response: The underground bicycle parking can be accessed internally from the elevators. They will be secured within specific bicycle-parking rooms. There are nine spaces provided at-grade along Queen Street for public use for people accessing the commercial use or visiting residential tenants.

7. Concern with the use and safety of the 3-metre alley/western interior side yard setback between 151 Bay Street and 340 Queen Street.

Response: This property is a privately owned Right-of-Way and is not for public use. Lighting and safety issues related to this space will be further addressed through the accompanying Site Plan Control application process.

8. Concern about parking, traffic increasing and safety concerns.

- Concern with lack of accessible parking and visitor parking.

Response: The proposal meets accessible and visitor parking zoning requirements. The owner is required to provide a minimum of four parking spaces reserved for physically disabled persons and they are providing 10 of these spaces. The Owner is required to provide 30 visitor spaces, and they are providing this required amount.

- There is concern that the parking garage is not accessible. There is no sidewalk associated with the vehicular access ramp, which might be used by the public as an alternative.

Response: The parking garage is accessible from elevators internal to the building. It is not desirable from the City's perspective to increase the size of the egress from Albert Street to accommodate a sidewalk alongside the vehicular egress to the underground parking garage.

- Concerned about the safety of cyclists considering the cycle track on Albert Street will cross the parking entrance.

Response: Measures to address cyclist safety will be addressed through Site Plan Control. The part of the cycle track that is located in front of the loading and parking garage entrance will be coloured as a marker to notify cyclists.

- There is concern with the amount of additional traffic that the proposal will bring to surrounding streets, particularly during rush hour.

Response: The maximum limit on number of parking spaces near the Lyon LRT rapid transit station is 879 spaces. The applicant is providing 520 spaces less than this maximum, as they are proposing 359 vehicular parking spaces. The applicant provided a Transportation Impact Assessment (TIA). The TIA indicated that the public parking component of the underground parking garage is expected to generate roughly 90 vehicles per hour into the site and 40 vehicles per hour out of the site during weekday a.m. and p.m. peak hours. These volumes are already reflected in the existing intersection counts, as the site is currently occupied by a surface parking lot.

- Concern with loading and delivery access, moving vans, and interaction with the public realm.

Response: The applicant provided a Transportation Impact Assessment (TIA) and the safety of the truck movements are will continue to be analyzed through the Site Plan Control process. The current proposal is for loading and delivery trucks to access a loading space interior to the building back backing-in from Albert Street. Moving vans can access the site through the parking garage.