

<p><b>2. Zoning By-law Amendment – 1426 Scott Street</b> <b>Modification au Règlement de zonage – 1426, rue Scott</b></p>
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**Committee Recommendation**

**No Committee recommendation**

**Recommandation du Comité**

**Aucune recommandation du Comité**

**Documentation/Documentation**

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated January 10, 2019 (ACS2020-PIE-PS-0008)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 10 janvier 2019 (ACS2020-PIE-PS-0008)

2. Extract of draft Minutes, Planning Committee, January 23, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 23 janvier 2020

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
23 January 2020 / 23 janvier 2020**

**and Council  
et au Conseil  
29 January 2020 / 29 janvier 2020**

**Submitted on 10 January 2020  
Soumis le 10 janvier 2020**

**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: KITCHISSIPPI (15)**

**File Number: ACS2020-PIE-PS-0008**

**SUBJECT: Zoning By-law Amendment – 1426 Scott Street**

**OBJET: Modification au Règlement de zonage – 1426, rue Scott**

**REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1426 Scott Street to permit the continuance of a non-conforming parking lot for the period of two years, as detailed in Document 3.**

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 Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of January 29, 2020," 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 au Règlement de zonage 2008-250 visant le 1426, rue Scott, afin de permettre la poursuite de l'utilisation d'une aire de stationnement non conforme pour une période de deux ans, comme l'expose en détail le document 3.
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 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 29 janvier 2020 », 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.

## 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

1426 Scott Street, as shown in Document 1.

**Owner**

1350825 Ontario Inc.

**Applicant**

Jessica D'Aoust (Lloyd Phillips & Associated Ltd.)

**Description of site and surroundings**

The subject site is located at the southeast corner of the Scott Street and Stirling Avenue intersection in the Hintonburg Neighbourhood of the Kitchissippi Ward. The surrounding area is predominantly low-rise residential, with some mid- and high-rise buildings in proximity including a new 18-storey apartment across Stirling Avenue.

The subject site is roughly square with 23.89 metres of frontage on Scott Street and 30.23 metres of frontage on Stirling Avenue, for a total lot area of 720 square metres. The site is currently being used as a 28-space surface commercial parking lot as a continuation from past temporary zoning approvals which have since lapsed.

**Summary of requested Zoning By-law amendment proposal**

The purpose of the application is to temporarily rezone the site to allow the continuation of the existing parking lot. The site is presently zoned TM H(14.5) "Traditional Mainstreet with a maximum permitted height of 14.5 metres", which does not permit a parking lot use.

Although the temporary Zoning By-law amendment application was filed to extend the use for up to three years, the applicant has agreed, following discussions with staff, to request a temporary rezoning for a period of two years instead. The owner is confident that the two-year extension will allow them the opportunity to create a transition plan that illustrates the appropriate path of development at the end of that time.

**Brief history of proposal**

D02-02-08-0085: A Zoning By-law amendment was filed in 2008 for the addition of a parking lot as a permitted use in the General Mixed-Use Zone (the existing zoning at the time). The application was approved by Council in February of 2009 as a temporary rezoning, for a period of three years. The decision was subsequently appealed to the Ontario Municipal Board (OMB) by the owner, who had originally wanted a parking lot use on a permanent basis. The OMB's decision in September of 2009 resulted in the

approval of the temporary zoning for a period of three years from the date a Site Plan Control application was approved.

D07-12-09-0232: In response to the requirement contained in the OMB's decision, a Site Plan Control application was submitted in December of 2009. During this process, issues regarding landscaping, access, and stormwater management were addressed. The application was approved in 2012 (see approved site plan in Document 2).

D02-02-19-0092: The original temporary rezoning having lapsed in 2015, the owner was required to resolve the issue of the parking lot use. The owner decided to once again make an application to temporarily rezone the property to allow the parking lot use for an additional period of three years (which is the subject of this report).

It should be noted that the site is still subject to the 2012 Site Plan approval, which was part of the settlement for the OMB hearing and depicted 28 parking spaces, as well as planting areas along Scott Street (as shown in Document 2). While planter boxes were put in following the 2012 approval, they have since been removed and, should this application be approved, the owner will be reinstating them in the spring.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Four individuals expressed interest in the proposal as a result of the notification process, offered comments, and wished to be kept informed. While most had no objections towards the temporary rezoning per se, as long as the property was well maintained and eventually redeveloped, one individual was outright opposed to the proposal.

For this proposal's consultation details, see Document 4 of this report.

### **Official Plan designation**

The site is located within the General Urban Area on Schedule B of the City's Official Plan, which permits a wide mix of different uses.

### **Other applicable policies and guidelines**

The site is located within the Secondary Mainstreet designation as shown on Schedule A of the Scott Street Secondary Plan. Relevant to this application, the policies set out by

this designation encourage improved mobility connections and uses that are neighbourhood-oriented, however they also strongly promote development that is compliant with the surrounding neighbourhood and promotes transit ridership.

The Scott Street Community Design Plan (CDP) deems the continuance of existing uses appropriate for the portions of the area designated "Secondary Mainstreet" but identifies the areas need for intensification and cohesive development.

## **Planning Rationale**

### **Official Plan Policies**

This application has been reviewed under the consolidated Official Plan (2003) and amendments contained within Official Plan Amendment 150 (OPA 150) in effect.

The site is designated as General Urban Area (Section 3.6.1), which permits the development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstance. The Official Plan contains a number of policies to evaluate a rezoning proposal, along with its ability to enhance and complement the desirable characteristics of the existing community and ensure its long-term vitality.

The department notes that the surrounding uses and character of the community are primarily low-rise residential, with some mid- and high-rise residential, including an 18-storey high-rise apartment building immediately to the west of the site, across Stirling Avenue. Moreover, the subject site is proximal to multiple rapid transit modes. Allowing a parking lot as a permanent use would be detrimental to the long-term vitality and vision of this section of Scott Street, and would contradict the policies set out by Sections 2.5.1 and 4.11 of the Official Plan, in addition to the associated guidelines of the Secondary Plan and Community Design Plan. Nevertheless, it is recognized that temporary uses, by their nature, do not necessarily conform to the policies of the Official Plan and, as a temporary use, the department can support the use of the site as a parking lot.

In this regard, given the transitional nature of this portion of Scott Street, particularly as it relates to the construction of Stages 1 and 2 of the Light Rail Transit (LRT), staff are comfortable with recommending the continuation of an existing use on a temporary basis. The two-year period, reduced from the originally requested three-year period, would allow the applicant time to establish a transition plan that explores the long-term development of this site, while hopefully stimulating a faster turnaround for the development of the site. It is noted that this area of Scott Street is transitioning and has

been experiencing redevelopment, with construction of high-rise buildings further to the west and adjacent on Stirling Avenue, as well as to the east at 900 Albert Street.

#### Scott Street Secondary Plan

The site is designated as Secondary Mainstreet in the Scott Street Secondary Plan. This designation permits a mix of residential and non-residential uses that are compatible with and reflect the character of surrounding low-rise uses.

Section 2.2 of the Scott Street Secondary Plan views parking lots and low-rise buildings as good opportunities for redevelopment and intensification along Scott Street.

#### Zoning Details

The property is zoned TM H(14.5) (Traditional Mainstreet, Maximum Height 14.5 metres) under the Zoning By-law. The purpose of the TM zone is to accommodate a broad range of uses from commercial to institutional, as well as to foster and promote compact, mixed-use, pedestrian-oriented development for access by foot, cycle, transit and automobile.

As stated above, while the establishment of a new parking lot on a permanent basis would be detrimental to the intention of the zone, staff are comfortable with a short-term extension to a functioning, non-conforming parking lot on a temporary basis.

As detailed in Document 3, the proposed Zoning By-law amendment will add a site-specific exception [XXXX] to the TM H(14.5) zone reflecting the temporary nature of the use being proposed.

#### Provincial Policy Statement

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014, a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS, 2014 by promoting future opportunities for intensification based on local conditions.

#### **RURAL IMPLICATIONS**

There are no rural implications.

## COMMENTS BY THE WARD COUNCILLOR

Councillor Leiper provided the following comments:

"I am wholly opposed to this application. The temporary parking exemption for this property has been in place twice and expired and is beginning to look like a permanent exemption. The community has asked unsuccessfully for landscaping, and the site remains a blight on Scott Street that has tied up City resources enforce various by-laws. It is time for the owner to develop this property in a manner appropriate to the intent of the zoning by-laws, and to send a strong message to property owners that when Council says an exemption is temporary, that it's actually temporary and not a rubber stamp.

I cannot put it more elegantly than the comments of the Hintonburg Community Association (HCA), as follows:

The HCA is **opposed** to the granting of the requested zoning by-law amendment to permit another "temporary" parking lot at this site.

We have been dealing with this site since 2002 when the owner requested permission to change a gas bar to a used car lot. We did not oppose this application but requested a 1.5 m landscaped buffer along the Stirling and Scott Street frontages.

We did not oppose a site plan for a daycare on the site in 2004. However, by 2008, the parking lot had been approved by the City and the HCA met with the owner and agreed that we would **not oppose** an application for a **temporary parking lot "only if the owner provides landscaping along Stirling Avenue, maintains or demolishes the building on the site and keeps the site clean of weeds, litter and garbage.**

The question of parking lot as a permitted use was considered by the Ontario Municipal Board in 2009 and resolved through mediation. The decision reads, in part:

There is a significant variety of existing uses along this stretch of Scott Street. There was no dispute that **in the long term, the optimal use of this property would not be parking**; [emphasis added] but while waiting for further development opportunities to materialize, the arrangement – a Temporary Zoning By-law, reproduced herewith as "Attachment 1", was mutually satisfactory.

Since the temporary parking lot provision expired in 2012, and again in 2015, the City has spent considerable time and effort attempting to enforce the provisions of the



temporary by-law (property standards, encroachment of parked cars on the sidewalk). As you can see by the photos submitted by the applicant, there is no landscaping on the lot at present. At the insistence of the HCA, the 2012 renewal of the temporary parking lot included some landscaping along Stirling Avenue. Planters were provided for a short time but were removed during the winter and never replaced.

It seems that the proposed landscaping along Scott Street is on the City ROW, and so this gesture costs the applicant nothing in terms of revenue generation.

As a result of the Scott Street Community Design Plan, approved by Council in 2014, this site is now zoned TM with a height limit of 14.5m and a much wide range of uses than in the previous GM zone. The value of this property has almost certainly increased as a result of this change in zoning, not to mention the recent implementation of the LRT.

The Official Plan Amendment Policy 4.2 states:

The Secondary Mainstreet designation encourages a mix of both residential and non-residential uses at a built form scale that reflects the adjacent low-rise residential neighbourhoods. Through the development application process, the applicant shall demonstrate how the proposed development meets the applicable guidelines contained in the Secondary Mainstreet Areas Section of the Scott Street CDP in addition to the following applicable policies:

1. Low-rise residential uses, neighbourhood-oriented uses and the following uses are permitted:

- professional or medical office
- restaurant
- food store
- retail store
- service and repair shop

We cannot agree with the consultant's statement that "the parking lot is an existing condition that does not detract from the overall surrounding community ...". The owner has shown no consideration for the community concerns during all the years that this

“temporary” parking lot has existed. We do not anticipate that this behaviour will change if another temporary rezoning is granted.

For all these reasons, we are opposed to the requested rezoning.”

### **LEGAL IMPLICATIONS**

There are no legal implications associated with implementing the report recommendation.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications.

### **ASSET MANAGEMENT IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

### **ACCESSIBILITY IMPACTS**

The proposal does not have any adverse impacts on accessibility.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

### **APPLICATION PROCESS TIMELINE STATUS**

This application (Development Application Number: D02-02-19-0092) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the timing of Planning Committee dates.

## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Approved Site Plan

Document 3 Details of Recommended Zoning

Document 4 Consultation Details

## **CONCLUSION**

The Planning, Infrastructure and Economic Development department supports the proposed Zoning By-law amendment. The short-term proposal is consistent with the Official Plan policies for the General Urban Area as well as with the Scott Street Secondary Plan policies. The proposed temporary Zoning By-law amendment is appropriate for the site, and the amendment represents good planning. For these reasons, staff recommends approval of the Zoning By-law amendment.

## **DISPOSITION**

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

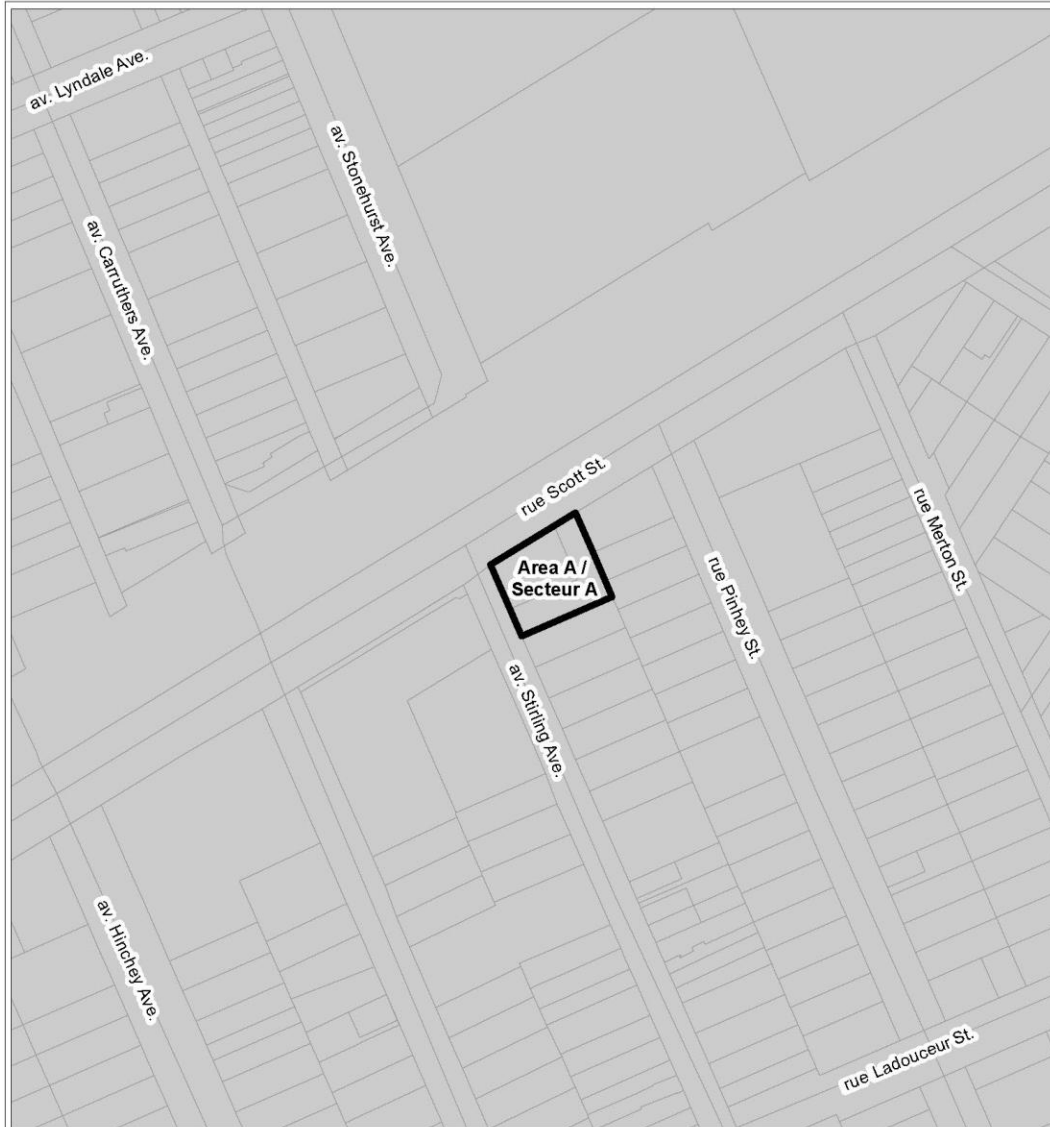
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long-Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

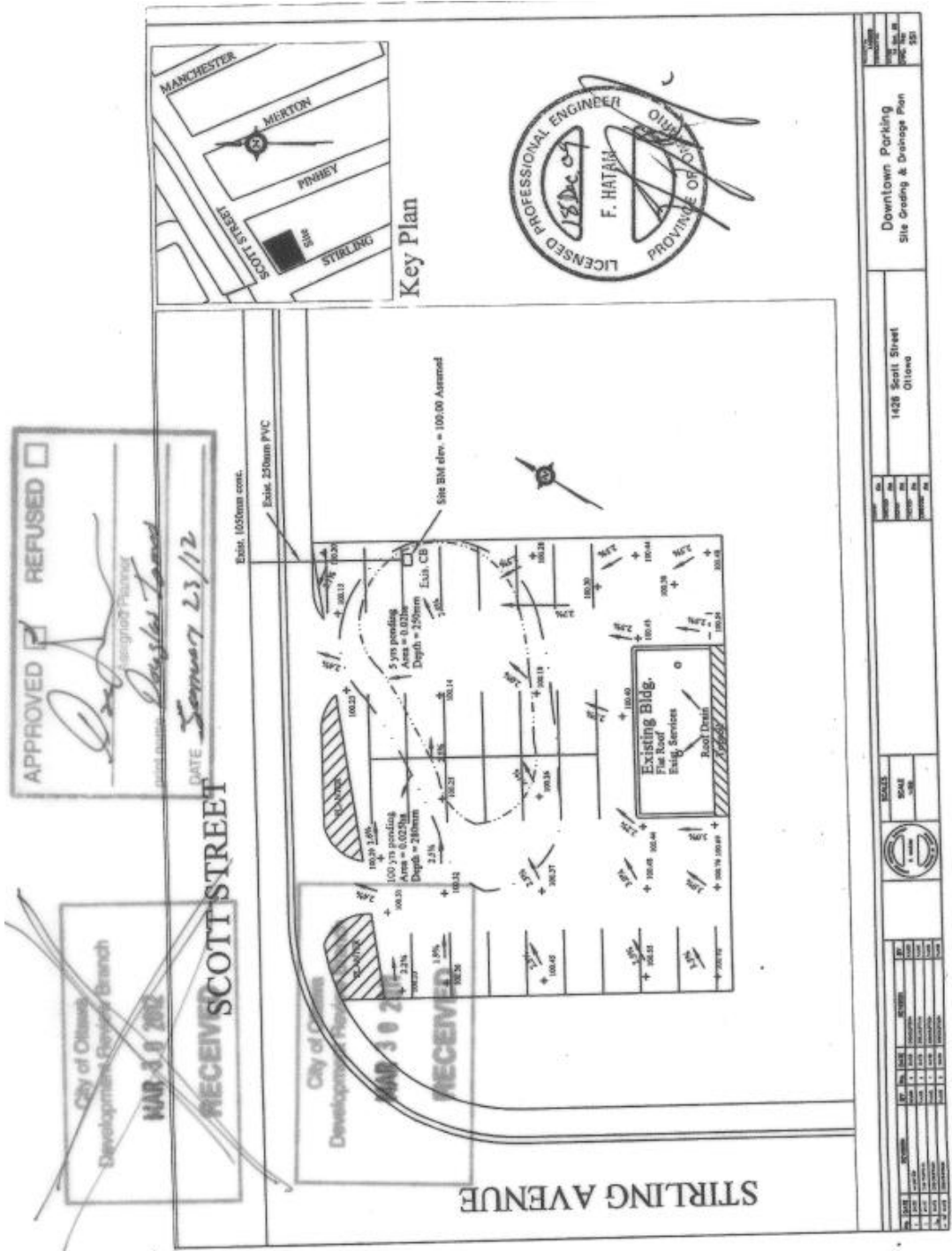
Document 1 – Location Map

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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-19-0092	19-0931-B	 <b>1426 rue Scott St.</b> Area A to be rezoned from TM H(14.5) to TM[XXXX] H(14.5) Secteur A devant être rezoné de TM H(14.5) à TM[XXXX] H(14.5)	
I:\CO\2019\Zoning\Scott_1426			
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©Les données de parcelles appartiennent à Teranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE			
REVISION / RÉVISION - 2019 / 08 / 30		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	

Document 2 – Approved Site Plan (2012)



### **Document 3 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 1426 Scott Street:

1. Rezone the property from TM H(14.5) to TM[xxxx] H(14.5)
2. In Column III, add the text, “parking lot”
3. In Column V, add provisions similar in effect to the following:

“a parking lot is permitted for a temporary period effective January 29, 2020 and expiring January 29, 2022”

#### **Document 4 – Consultation Details**

A formal public meeting was not undertaken as the Councillor and Community were aware of this application.

#### **Community Organization Comments and Responses**

##### **Comment:**

No objection as long as the property is well maintained, and the number of parking spaces does not increase.

##### **Response**

The owner will be expected to provide planter boxes along certain portions of the street frontage during appropriate seasons, in accordance with the approved 2012 Site Plan. The number of parking spaces is not being increased.

##### **Comment:**

The land is in dire need of redevelopment into something productive, especially given its location in proximity to Tunney's and Bayview stations.

##### **Response:**

The owner is aware of the City and Community's objective for transit, housing, and community supportive uses within this area of the City. The owner is also cognizant of the demand for parking, especially within proximity to a major employment district and the transitway. In considering the above factors, the owner is committed to working towards a transition plan which also appreciated their personal and business-related circumstances.

##### **Comment from the Community association:**

The HCA is very familiar with the site and has been dealing with it since 2002. The community association had not opposed the 2008 temporary rezoning, provided that landscaping was incorporated into the site along the street edge. The landscaping features were once put in but have since disappeared. The HCA is not supportive of the current proposal given the policy framework changes having been made to the area since 2014. The owner has shown no consideration for the community concerns during all the years that this "temporary" parking lot has existed. We do not anticipate that this behavior will change if another temporary rezoning is granted.

Staff Response:

Staff understand the transitional nature of the area as well as the fact that, in the long term, the optimal use of this property will not be parking. Along with a shortened duration for the temporary zoning (two years instead of three), staff will be working with the applicant to ensure that the landscaping treatment agreed to in the 2012 Site Plan approval are implemented.