

10. Zoning By-law Amendment – 250 Besserer Street

Modification du *Règlement de zonage* – 250, rue Besserer

Committee recommendations, as amended

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 250 Besserer Street to permit a nine-storey apartment building, as detailed in Document 2, as amended by the following:
 - a. that the following provisions be added to Document 2 – Details of the Recommended Zoning under 2 a):
 - One visitor parking space may be used as a car-sharing space;
 - The use of the visitor parking space for car sharing purposes does not result in a zoning violation for a lack of visitor parking.
2. that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

Recommandations du Comité, telles que modifiées

Que le Conseil approuve:

1. une modification apportée au Règlement de zonage 2008-250 et visant le 250, rue Besserer, afin de permettre la construction d'un immeuble résidentiel de neuf étages, comme le précise le document 2, dans sa version modifiée par ce qui suit :
 - a. que les dispositions suivantes soit ajouté à la section 2 a) du document 2 – Détails du zonage recommandé :
 - Une place de stationnement pour visiteurs peut servir de place de stationnement d'autopartage;
 - L'utilisation d'une place de stationnement pour visiteurs

**comme place de stationnement d'autopartage ne
constitue pas une infraction au Règlement de zonage.**

2. **que, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*, aucun nouvel avis ne soit donné.**

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated November 5, 2019 (ACS2019-PIE-PS-0116)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 5 novembre 2019 (ACS2019-PIE-PS-0116)
2. Extract of draft Minutes, Planning Committee, November 28, 2019

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 28 novembre 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
28 November 2019 / 28 novembre 2019**

**and Council
et au Conseil
11 December 2019 / 11 décembre 2019**

**Submitted on 5 November 2019
Soumis le 5 novembre 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: RIDEAU-VANIER (12)

File Number: ACS2019-PIE-PS-0116

SUBJECT: Zoning By-law Amendment – 250 Besserer Street

OBJET: Modification du *Règlement de zonage* – 250, rue Besserer

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 250 Besserer Street to permit a nine-storey apartment building, 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 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 December 11, 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 apportée au Règlement de zonage 2008-250 et visant le 250, rue Besserer, afin de permettre la construction d'un immeuble résidentiel de neuf étages, comme le précise 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 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 11 décembre 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.

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

250 Besserer Street

Owner

250 Besserer Limited Partnership

Applicant

Nico Church (Fotenn Consultants Inc.)

Architect

Hobin Architecture

Description of site and surroundings

The property is situated in the Sandy Hill neighbourhood, more specifically at the southeast corner of Besserer Street and King Edward Avenue.

The subject site is known municipally as 250 Besserer Street, is square in dimensions with equal frontages of 30.18 metres along both Besserer Street and King Edward Avenue. There is a significant grade change of approximately 4.6 metres across the site, with the high point at the south of the site and the low point at the north. 250 Besserer Street is currently occupied by a three-storey office building, a commercial parking lot, and a small garage. Across the site, on King Edward Avenue, is a mix of uses including ground floor commercial, a church, several high-rise residential buildings, and the Ottawa Little Theatre. East of the site, along Besser Street, is a two-storey single-detached dwelling, a seven-storey apartment building, and a neighbourhood of low- to mid-rise residential buildings. To the north, across Besserer Street, at 251 Besserer Street, is a designated heritage building. One block further to the north, is Rideau Street, a mixed-use corridor. There is also a designated heritage building directly to the south. Further to the south, is a predominantly residential low- and mid-rise neighbourhood, and the University of Ottawa's main campus.

Summary of requested Zoning By-law amendment proposal

The Besserer Street parcel is currently zoned R5B[483] H(19) "Residential Fifth Density, Subzone B, Height Schedule 19" in the City of Ottawa Zoning By-law 2008-250.

The applicant proposes to:

1. Reduce the required front yard setback along Besserer Street from 3.0 metres to 1.5 metres;

2. Reduce the corner side yard setback from 3 metres to 2 metres;
3. Reduce the interior side yard setback after 21 metres from 6 metres to 1.5 metres for a 1.68-metre portion of the building;
4. Reduce the interior side yard setback after 21 metres from 6 metres to 1.3 metres for the basement and the terrace on top of the basement;
5. Reduce the rear yard setback for the basement and the terrace on top of the basement from 7.5 metres to 0 metres;
6. Increase the permitted building height from 19 metres to 29.5 metres;
7. Define the basement using the finished grade;
8. Increase the minimum bicycle parking rate to one space per dwelling unit;
9. Minimum dimensions do not apply to bicycle parking spaces provided in excess of the minimum requirement;
10. Reduce the resident vehicular parking to zero spaces, whereas 44 spaces are required (all nine required visitor parking spaces will be provided);
11. Reduce the minimum amenity area from 6 m² per dwelling unit to 5 square metres per dwelling unit;
12. Increase the minimum communal amenity area to 60 per cent of the total amenity area.”

DISCUSSION

Public consultation

A public consultation was held on August 8, 2019 at the Sandy Hill Community Centre.

Councillor Fleury and his staff and Planning Services staff were present. About 50 residents along with representatives from the community association were also present.

Most of the concerns were related to the proposed reduction in parking and the proposed height.

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

Official Plan designation

The subject property is designated General Urban Area in Schedule B – Urban Policy Plan of the City of Ottawa Official Plan.

Other applicable policies and guidelines

The subject property is designated Medium Profile Residential in Schedule J – Sandy Hill Land Use of the [Sandy Hill Secondary Plan](#). Although a “Medium Profile” residential use is not defined in the Secondary Plan, Policy 7 of Section 4.11 of the Official Plan states that Medium-Rise represents a five to nine storey building.

The subject property is located within the Sandy Hill Cultural Heritage Character Area (SHCHCA) and is identified as a Category 3 property. Its existing building is not part of the heritage register due to its moderate contribution to the history and architecture.

Urban Design Review Panel

The property is not within a Design Priority Area.

Planning Rationale

Front yard and corner side yard setbacks

The requested front yard setbacks of 1.5 metre along King Edward Avenue and corner side yard setback of 2 metres along Besserer Street, although not meeting the 3.0 metre requirement, will result in an increase to the existing setbacks while being more in keeping with the general built pattern along the two streets where buildings are mostly located at the front property line.

Interior side yard setback

The intent of providing and increased side yard setback of 6 metres after 21 metres is meant to protect abutting residential back rear yards. In this case, the only abutting residential dwelling at 256 Besserer Street is built up to approximately 26 metres of depth. For this reason, Staff has no issue with the reduced interior side yard setback.

Rear yard setback

Staff is of the opinion that given the natural severe slope of the land, as well as the fact that the grades have been altered by the introduction of a retaining wall between the subject site and 149 Daly Avenue, the proposed 0-metre rear yard for the basement,

where an exterior amenity area is proposed, will contribute to re-establish the greater natural slope.

Building height

Policy 3 of Section 3.6.1 of the Official Plan states that building height in the General Urban Area will continue to be predominantly Low-Rise. Within this range, changes in building form, height and density will be evaluated based upon compatibility with the existing context and the planned function of the area.

Policy 4(b) of Section 3.6.1 of the Official Plan states that, notwithstanding Policy 3, new taller buildings may be considered for sites that are in an area already characterized by taller buildings or sites zoned to permit taller buildings.

The proposed development is in conformity with the Medium Profile Residential Land Use designation for the subject property in the Sandy Hill Secondary Plan and located in an area already characterized by taller buildings, such as the 14-storey mixed-use building located at 238 Besserer Street, just across King Edward Avenue to the west. There is also a seven-storey mid-rise condominium building at 260 Besserer Street, just two properties to the east. Staff is of the opinion that while the proposed height will contribute to a more balanced street with regards to King Edward Avenue, it will also ensure a height transition along Besserer Street, more specifically between 238 and 260 Besserer Street. It also needs to be mentioned that a corner site, especially at the intersection of a Mainstreet, is an appropriate candidate for considering increased height.

With regards to the massing and shadowing impacts, due to the limited area of the site obliging a modest footprint, Staff is of the opinion that the proposed building will be no more impactful than the existing 7-storey apartment located at 260 Besserer Street.

Grade

As mentioned above, staff is of the opinion that given the natural severe slope of the land, as well as the fact that the grades have been altered by the introduction of a retaining wall between the subject site and 149 Daly Avenue, the proposed development will contribute to re-establish the greater natural slope. For these reasons, the use of the finished grade rather than the existing grade would be more accurate to define the basement.

Parking

Section 5.3.3 b. – Transportation of the Sandy Hill Secondary Plan states that public transportation, bicycle and pedestrian networks should be emphasized over the private automobile.

The Transit-Oriented Development Guidelines also provide guidance to assess, promote and achieve appropriate Transit-Oriented Development. They are applied to all development within a 600-metre walking distance of a rapid transit stop or station. Enhanced cycling facilities and cycling infrastructure are also encouraged within a 1,500-metre cycling distance.

Being located near Rideau Street and King Edward Avenue, the proposal will be located in very close proximity to neighbourhood services, commercial, institutional, and employment uses and will be approximately 500 metres away from the Rideau O-Train station. As well, if the subject property were located on the west side of King Edward Avenue opposite to the site, no parking would be required.

The proposal will be providing one bicycle parking space per residential unit, translating into 99 interior bicycle parking spaces. In addition to these interior spaces, fourteen visitor bicycle parking spaces will also be provided outside.

Given the forgoing, staff can support the requested reduction in resident vehicular parking.

Amenity area

With regards to the reduction of the private amenity area per dwelling unit from 6 m² to 5 m², Staff has no concerns as the reduction is only one square metre and the proposed development will offer a good diversity of communal amenity space by providing a fitness room, a lounge, a meeting room, and two options of exterior amenity areas, one at grade and one on the roof top.

The proposed minimum communal amenity area increases to 60 per cent, will help mitigate the proposed slight reduction in private amenity space and aid in ensuring adequate space is provided on site.

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 Fleury provided the following comments:

“Specific concerns on heritage:

- There is a concern that there is no transition clause for a building that abuts a heritage conservation district.
- What was the results of the heritage impact assessment and did that require or suggest any mitigative measures where impacts on the HCD attributes are identified - and if not, why not?
- Does the cladding/brickwork/building material “fit” with the adjacent HCD?
 - What changed in zoning following the anomaly of 260 Besserer?

As for general comments:

- Would like to see sidewalk levelling on the King Edward side
- Would like the applicant to provide alternative car sharing option on site for the reduction of 40 cars, such options like enterprise car sharing could work – [In Your Building](#) (click on link)
- All garbage and move in/out trucks needs to be internal - please confirm a large garbage truck can fit through the parking garage entrance without having to alter the height or width of the opening.
- Cycling plan - with storage for up to 99 bikes, is there a viable bike route planned for the tenants - crossing at King Edward is dangerous and backtracking towards Nelson is not likely. Besserer, west of King Edward is a one way the other way. Rideau and King Edward is the Interprovincial truck route. What did the

transportation analysis determine when it came to traffic, bike traffic and pedestrians at this intersection?

- Rooftop amenities – remove roof top as applicant did not satisfy diversity of units (such as 2 bedrooms).

On the rooftop; could the mechanicals be minimized and covered to not look like a mechanical room – to make more aesthetically pleasing? Glass is one example. For residents on the west, east and south sides.

- The King Edward and Besserer intersection is not safe, with close to 200 people living at this location, will this applicant improve the intersection for pedestrian and cycling safety?"

ADVISORY COMMITTEE COMMENTS

Accessibility Advisory Committee

1. The elevator should go to the roof-top so those in wheelchairs or with mobility limitations can access the roof top.
2. The proposed building does not seem to be set up for a tenant with mobility limitations (permanent or temporary) in terms of accessible parking spaces. Only one accessible visitor parking space is provided.

LEGAL IMPLICATIONS

In the event that the recommendations in this report are adopted and the matter appealed to the Local Planning Appeal Tribunal, it is estimated that a three-day hearing would be required. It is anticipated that such hearing could be conducted within staff resources.

If the application for a rezoning is refused, reasons must be provided. In the event of an appeal of the refusal, it would be necessary to retain an outside planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendation in this report.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the approval of the zoning amendment. In the event the zoning amendment is refused and appealed, an external planner would be retained. This expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

Proper accessibility will be ensured through Site Plan Control Approval and Building Code review.

ENVIRONMENTAL IMPLICATIONS

Environmental implications will be assessed through the Site Plan Control Approval process.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

Healthy and Caring Communities

- HC1 - Advance equity and inclusion for the City's diverse population
- HC3 - Create new and affordable housing options

Economic Prosperity

- EP3 Support growth of local economy

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0051) 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 Consultation Details

Document 4 Proposed Site Plan

CONCLUSION

Staff is supportive of the zoning by-law amendment as the subject site is appropriately located for increased density and parking reduction and the proposed development supports the City's policies on intensification.

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.

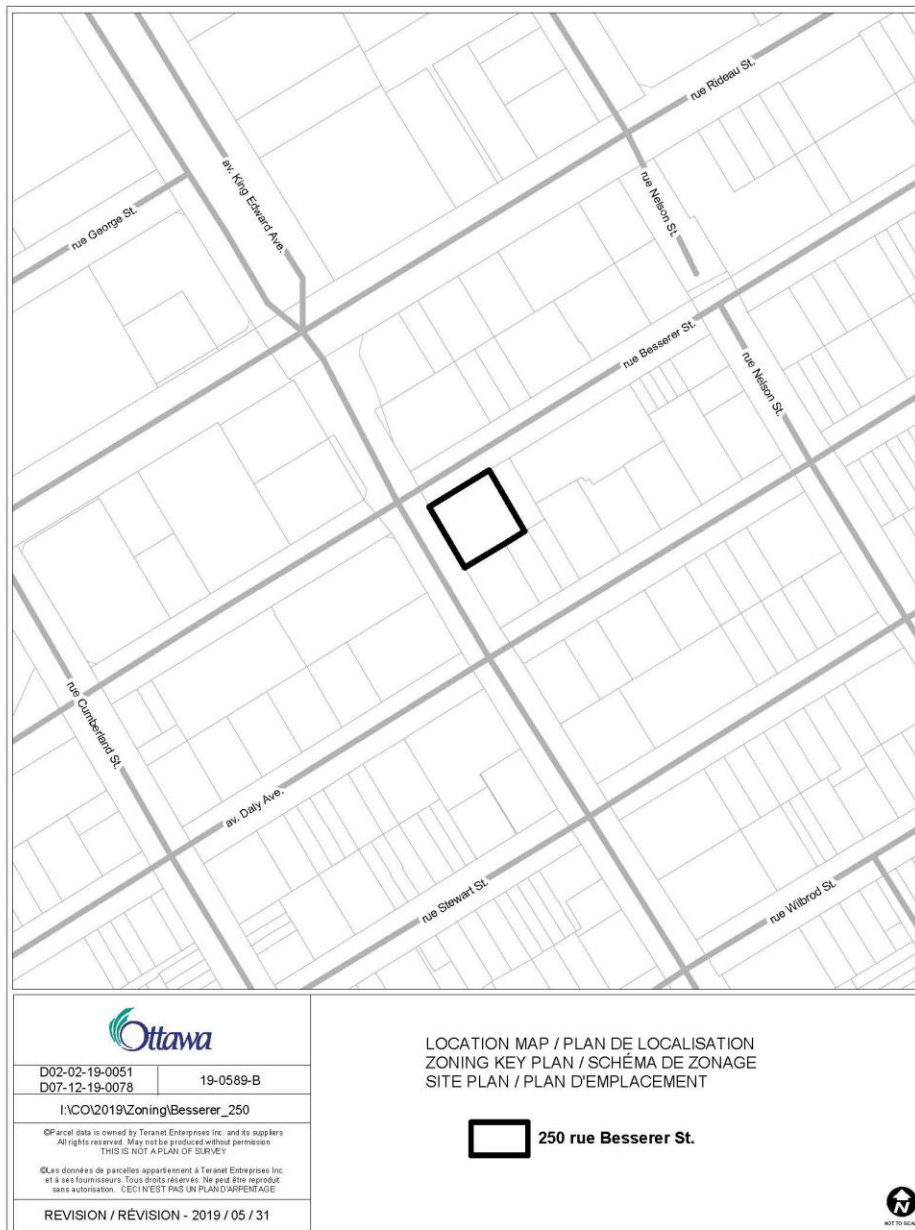
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.

This map shows the property located at 250 Besserer Street that is subject to the Zoning By-law amendment.



Document 2 – Details of Recommended Zoning

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

1. To rezone the lands shown in Document 1 from R5B[483] H(19) to R5B[XXXX].
2. Add a new exception, [XXXX], to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a) Add to Column V, Provisions, the text:
 - “minimum front yard setback: 1.5 m;
 - minimum corner side yard setback: 2 m;
 - minimum interior side yard setback further than 21 metres from the front lot line: 1.5 m;
 - minimum interior side yard setback further than 21 metres from the front lot line for the basement: 1.3 metres;
 - minimum rear yard setback for the basement and terrace on top of the basement: 0 m;
 - minimum rear yard setback for the portion of the building above the basement: 7.5 m;
 - maximum building height: 29.5 m;
 - for the purpose of defining the basement, it means that level of a building having more than half of its floor to ceiling height below grade;
 - minimum bicycle parking rate: 1.0 per dwelling unit;
 - despite Section 111, the minimum bicycle parking space dimensions under subsection (8) and the minimum aisle width under subsection (9) do not apply to bicycle parking spaces provided in excess of the minimum requirement;
 - no residential parking required under Section 101 is required for a mid-rise apartment dwelling of no more than 99 dwelling units;

- minimum amenity area: 5 m² per dwelling unit;
- minimum communal amenity area: 60% of minimum total amenity area.”

Document 3 – 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. One public meeting was also held in the Routhier Community Centre on August 8, 2019.

Public and Community Organization Comments and Responses

Comment:

The proposal should not exceed the current maximum building height and number of storeys of the existing mid-rise at 260 Besserer Street, which is 7 storeys.

Response

The proposed development is in conformity with the policies of the Official Plan and the Medium Profile Residential Land Use designation for the subject property in the Sandy Hill Secondary Plan and located in an area already characterized by taller buildings, such as the 14-storey mixed-use building located at 238 Besserer Street, just across King Edward Avenue to the west.

The modest footprint will help minimize the massing impact and shadowing.

Comment:

The reduction in parking is not justified as there is already congestion and saturation of on-street parking on Besserer Street.

Response:

The proposal will be located in very close proximity to neighbourhood services, commercial, institutional, and employment uses and will be approximately 500 metres away from the Rideau O-Train station, which will provide the opportunity for alternative modes of transportation.

The proposal will be providing a one space per residential unit bicycle parking ratio, translating into 99 interior spaces. In addition to the resident's spaces, 14 visitor spaces will also be provided outside.

Comment:

The architecture of the proposed project is not in keeping with the character of the neighbourhood.

Response:

The applicant was required through negotiations with Staff to improve the proposed design and materiality of the building to better integrate with the neighbourhood character.

Comment:

The proposal is aiming at one demographic (students), therefore not contributing to a range of adequate housing.

Response:

The applicant indicated that the proposed building is not a purpose-built student residence and provides a range of unit types intended for market rental. The Department views the land-use as an apartment dwelling, mid-rise and does not zone for the users of the building.

Comment:

The roof-top amenity space is a concern.

Response:

The roof-top amenity space is setback from the roof edge and is purposely located to the north and will be buffered for its most part by the roof-top access and the mechanical penthouse.

Comment:

There is a concern with curbside garbage collection.

Response:

Garbage trucks will be private pickup. Curbside collection is consistent with the context along Besserer Street and with urban contexts across the city, in particular for smaller sites like this one on a secondary street. Pickup frequency is expected to be limited and

its timing can be managed due to the private service. Waste management will continue to be reviewed through the Site Plan application

Document 4 – Proposed Site Plan

