

2. Zoning By-Law Amendment – 384 Frank Street
Modification au Règlement de zonage – 384, rue Frank

Committee Recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 384 Frank Street to permit a three-storey apartment building, as detailed in Document 2.

Recommandation du Comité

Que le Conseil approuve une modification du *Règlement de zonage* (2008-250) pour le 384, rue Frank, afin de permettre l'aménagement d'un immeuble d'habitation de trois étages, comme l'indique le document 2.

Documentation / Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated June 3, 2019 (ACS2019-PIE-PS-0054)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 3 juin 2019 (ACS2019-PIE-PS-0054)

2. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of July 10, 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 26, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 10 juillet 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 26 juin 2019 »

Report to
Rapport au:

Planning Committee
Comité de l'urbanisme
13 June 2019 / 13 juin 2019

and Council
et au Conseil
26 June 2019 / 26 juin 2019

Submitted on 3 June 2019
Soumis le 3 juin 2019

Submitted by
Soumis par:

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Planning Services / Services de la planification

Planning, Infrastructure and Economic Development Department / Direction
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Ward: SOMERSET (14)

File Number: ACS2019-PIE-PS-0054

SUBJECT: Zoning By-law Amendment – 384 Frank Street

OBJET: *Modification au Règlement de zonage – 384, rue Frank*

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 384 Frank Street to permit a three-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 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 June 26, 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)* pour le 384, rue Frank, afin de permettre l'aménagement d'un immeuble d'habitation de trois étages, 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 26 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.

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

384 Frank Street

Owner

Fernando Matos

Applicant

Fernando Matos

Description of site and surroundings

The subject property is located on the south side of Frank Street between Bank Street and O'Connor Street in Centretown. The site has 10 metres of frontage on Frank Street and has a lot area of 206 square metres. A two-storey building currently occupies the property. The existing building is currently vacant but was a place of worship at one time. Surrounding the subject property is a mix of low-rise to mid-rise residential and commercial uses. To the immediate west of the site is a three-storey building, designated as a Category 2 heritage building, as well as a two-storey commercial building. A three-metre easement on the west side of the subject property provides access to the rear of these adjacent buildings.

Summary of requested Zoning By-law amendment proposal

The subject property is currently zoned I1A (Institutional). The owner would like to rezone the property to the TM (Traditional Mainstreet) zone in order to permit the construction of a low-rise apartment dwelling on the site, which is not permitted under the current zoning.

Brief history of proposal

The applicant's original proposal was to construct a nine-storey mixed-use building with ground floor commercial and 18 residential units on the subject property. The original proposal was not in conformity with the proposed TM zoning and relief was required for the building height, amenity area, landscaped area, and front yard setback for the part of the building above 15 metres. Based on concerns from staff, the Urban Design Review Panel, and the Ward Councillor, the applicant revised the plans to a three-storey apartment dwelling.

DISCUSSION

Public consultation

Public notification for this application was undertaken in accordance with the requirements of the *Planning Act* and the City of Ottawa's Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

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

Official Plan designation

In accordance with Schedule B of the Official Plan, the property is designated as Traditional Mainstreet.

Other applicable policies and guidelines

The site is located within the Centretown Secondary Plan area. The subject property is located within the Central Character Area in the Secondary Plan, and in accordance with Schedule H1, the property is designated within the Traditional Mainstreet Mixed Use Area.

The site is also located within the Centretown Community Design Plan area and the Centretown Heritage Conservation District.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law amendment application and associated Site Plan Control application was subject to the Urban Design Review Panel (UDRP) process when it was proposed as a nine-storey building. The current three-storey proposal is not subject to review by the UDRP, as it is less than four-storeys in height. Nevertheless, the applicant presented their proposal to the UDRP at a formal review meeting, which was open to the public.

The formal review meeting for the Zoning By-law amendment and Site Plan Control applications was held on March 1, 2019.

The panel's recommendations from the formal review of the Zoning By-law amendment application and Site Plan Control application relating to the original nine-storey proposal are:

Summary

- The Panel is disappointed that the project has come back in a similar form to the previous iteration, however is appreciative of the architectural improvements presented. The Panel expected further refinement of the project and a redesign more compatible with the context and responsive to the site constraints.
- Given the constraints of this small site, and the proposed height and density, the Panel finds this building represents over development of the site. The issues relating

to quality of life, both on this site, and on surrounding adjacent sites, in addition to the lack of compatibility within the heritage context, make this a project that the Panel cannot support.

Site Constraints

- The Panel finds the project represents over development of the site. The Panel highlights considerable issues relating to the constructability, long term maintenance, fire access, and the potential for Building Code issues with the proposed design.
 - The tight site would make the installation of cladding extremely difficult.
 - The ongoing functionality of the building would be problematic, pushing loading and moving activities to the street.
 - The height of the access under the cantilevered portion of the building can only fit a small truck or a cubed van, thereby impacting access to the adjacent properties fronting Bank Street which benefit from a legal easement through this property.
- The Panel finds that the proposed project is not replicable in its context (a good test to determine if a project is good urban design), and building to the lot line creates considerable problems for development on adjacent properties. For example, if a similar nine-storey building was constructed at the adjacent Miele site on Bank Street, this would result in several consequences relating to constructability, access to light, serviceability and general quality of life.
- The Panel highly recommends investigations into the costs and the feasibility of constructing on this site, as well as a Building Code study to determine compatibility.
 - One Panel member suggests that the second storey exit does not satisfy the provisions of the Building Code.
- Considering the size of the property, the Panel suggests between four, and up to a maximum height of six stories could be possible for the site.

Livability

- The Panel has serious concerns regarding livability given the high density proposed on a very small property. In addition to a lack of amenity area, there is also a

concern from the Panel with respect to a lack of natural light in the basement apartment units.

- The Panel suggests that if there is future adjacent development, there will also be issues with meeting daylight requirements for the corner bedrooms where the plans show small windows.
- The Panel does not support the proposal to construct all the way to the rear property line as sunlight is required to ensure a minimum quality of life for rear units.

Heritage and Urban Context

- The Panel appreciates the animation of the wall facing Bank Street, given the inability to add fenestration to this wall, however is concerned that the five stories of exposed wall visible from Bank Street does not represent a successful transition, and will appear like a dark cloud over the street. Since the proposed building is not connected directly to Bank Street, the Panel finds that the property should be developed as a transitional site between the medium density residential area to the east, and the traditional main street condition on Bank Street.
- It is the opinion of the Panel that the small eight-foot retail space with limited glazing will have very limited uses and does not sufficiently 'give back' to the city.

Architectural Expression

- The Panel appreciates the cleaner and clearer volumes of the revised plans and believes that the building is now better grounded. The use of colour, and the architectural explorations evident in the massing, the expression of the base, and the notch at the top, are successful.
- The Panel does have concerns that the dark treatment proposed for the wall facing Bank Street is not appropriate given its volume.
- There is some concerns from a Panel member that the appliquée brick element on the base needs some refinement, with particular consideration for its visibility from Bank Street.

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

The owner revised the proposal to a three-storey apartment dwelling rather than a nine-storey mixed use building. This change addresses the concerns presented by the Urban Design Review Panel.

Planning rationale

The proposed Zoning By-law amendment is consistent with the applicable Official Plan policies, including the Traditional Mainstreet designation (Section 3.6.3), as well as the Centretown Secondary Plan. The proposal to amend the Zoning By-law on the subject property from Institutional zoning to Traditional Mainstreet zoning brings the zoning in line with the Official Plan and Secondary Plan designations, and the planned function for that site.

In the Traditional Mainstreet designation within the Official Plan, the policy framework indicates that a broad range of uses is permitted on Traditional Mainstreets, including residential uses. Redevelopment and infill are encouraged on Traditional Mainstreets in order to optimize the use of land through intensification. The proposed Zoning By-law amendment, which will allow for the development a residential use building, supports these Official Plan policies by providing increased density and contributes to the mix of uses within the Bank Street Traditional Mainstreet corridor. The proposed zoning meets the intent of the Centretown Secondary Plan, which designates the property as Traditional Mainstreet, and the Central Character Area policies contemplate a mix of uses and encourage a variety of mid-rise and low-rise buildings. Residential uses are contemplated within the Traditional Mainstreet designation, and the current proposal to construct a three-storey low-rise apartment dwelling is in keeping with the residential character of Frank Street east of the subject property.

With respect to the relief requested for building setbacks, the TM zoning contemplates the proposed zero-metre setbacks for non-residential use buildings or mixed-use buildings, so the requested relief is consistent with the planned context for the surrounding area. Staff recognize that the site is constrained because of its size and the right-of-way easement on the west side of the property, and are of the opinion that the proposed setbacks will not negatively impact neighbouring properties.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement, 2014, as the development represents an efficient use of land and contributes to the city's mix of housing choices.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney provided the following comment on the original nine-storey proposal:

“Several aspects of this proposal are worrying and will need to be addressed before this project can go forward. The height of the proposed building is my first concern. Nine-storeys on a residential street like Frank would overwhelm neighbouring properties and the relatively low profile maintained along Bank St. This neighbourhood is typified by buildings of two-four storeys, especially moving east into the surrounding residential area. A six-storey building, which is the maximum building height permitted in the TM zone, would be much more desirable.

While I support appropriate intensification in our urban neighbourhoods, the development proposed for this site is too severe. The proposed amendments to the Zoning By-law include reduction of amenity area and reduction of side landscaping for the site. The intensity of development on this site, which is proposed to feature 18 units with a mix of one and two bedrooms, is too high to contemplate reducing the amenity space available to residents. Ultimately, I believe this property is simply too small for this level of development.

The Planning Rationale states that the proposal will provide one or two 250 ft² “affordable” housing units in the building. This size would indicate that these will be studio apartments, which are rented at lower rates than 1 or 2 bedrooms. I doubt the true affordability of these units and would question whether they are being deemed affordable simply due to their size.”

Councillor McKenney provided the following comment on the revised three-storey proposal:

“I appreciate the changes to these plans based on the feedback received. This development is more appropriate for the surrounding area and these residential units will positively contribute to the rental stock in Centretown.

It is unclear why the applicant is proposing to rezone the property to TM when the proposed building design is comprised solely of residential units. I do not support

rezoning this site as TM. The property should be zoned residential to ensure Frank St. can retain its residential character while retail and commercial activity stays on Bank Street.”

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

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

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The proposed Zoning By-law amendment does not have an impact on the accessibility of the building. The accessibility of the building will be addressed through the Site Plan Control process, and the owner will be required to meet any accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- HC3 – Create new and affordable housing options
- GP1 – Strengthen public engagement
- EP2 – Support growth of local economy

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the significant changes made to the proposed development and the time required to review these changes.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Details

Document 3 Consultation Details

CONCLUSION

The Planning, Infrastructure and Economic Development Department supports the proposed Zoning By-law Amendment application to change the zoning on the subject property from the current Institutional zoning to Traditional Mainstreet zoning. The proposal is consistent with the Official Plan policies, including the Centretown Secondary Plan, and represents good planning. The department recommends the requested amendment be approved.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; 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.

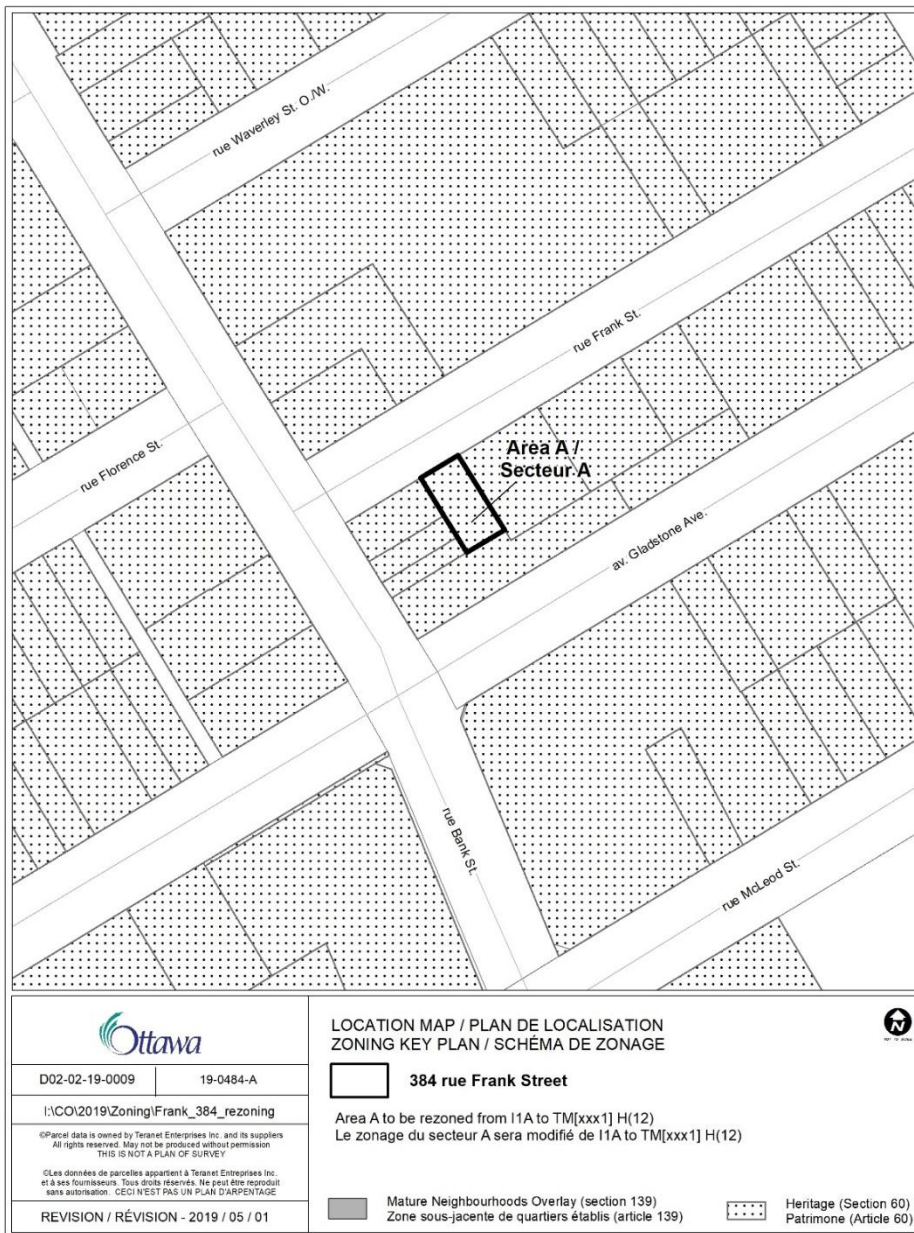
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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 located on Frank Street in Centretown, between Bank Street and O'Connor Street.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 384 Frank Street:

1. Rezone the lands shown in Document 1 from I1A to TM [xxx1] H(12).
2. Add a new exception TM [xxx1] H(12) to Section 239 – Urban Exceptions with provisions similar in effect to the following:
 - a. In Column II, add the text “TM [xxx1] H(12)”
 - b. In Column V, add the following provisions:
 - i. The minimum interior side yard setback for a residential use building is 0 m.
 - ii. The minimum rear yard setback for a residential use building is 0.6 m.
 - iii. The minimum width of a landscaped area abutting a residential zone is 0 m.
 - iv. Section 60 does not apply.

Document 3 – 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

The following public comments were received for the original nine-storey proposal:

Comment:

Having reviewed the proposed request I object to the suggested relief being requested. There is no reason this developer should be allowed these relief requests, which are numerous and will detract from the residential nature of the area imposing a substantial development height on a property that is not proportional in size. The proposed building will not have a natural appearance in the neighbourhood and will detract from the aesthetics of the heritage building immediately west and the view on approach on Gladstone from the west or east. The proposed building will also negatively impact sight lines for surrounding buildings at the zoned height, but significantly more so at the height being proposed. Owning three neighbouring properties, I strongly object.

Response

The applicant has revised the proposal to a three-storey residential use building.

Comment:

I own a condo unit in 354 Gladstone, and I am concerned that this development will decrease my property value by eliminating my view of the city. I am also concerned that this building will not blend in with the rest of the neighbourhood, which is largely comprised of older, smaller buildings. I have no issue with constructing a new building in this location, but I think the height should be limited, and the design should be such that it blends with the neighbouring buildings.

Response:

The applicant has revised the proposal to a three-storey building that is compatible with neighbouring buildings.

Comment:

I am not in favour of having the maximum height restriction amended to increase from 20 metres to 28 metres. Nor am I in favour of increasing the number of storeys from 6 to 9. My decision to buy the unit at 340 McLeod was based on the fact I did not have a building obstructing my view, which this new build will do.

Response:

The applicant has revised the proposal to be a three-storey building and it is proposed to limit the height on the site to 12 metres.

Comment:

The concern I would like to address is the scale of the project on such a tiny lot. The ratio of height to footprint is a bit extreme and will impact the heritage Bank St facade and neighbors in a significant way. I assume economics are at play in requesting the extra height and apartments. My design sense and common sense suggests that a structure within the current 20 metre height allowance would be far more acceptable in this location.

Response:

The applicant has revised the proposal to be a three-storey building and it is proposed to limit the height on the site to 12 metres.

Comment:

I am very much against the approval of this building. I believe the plan is only contributing to an over abundance of high rise condos in the city. I also feel that this is too close to Parliament Hill, to build to the help get requested - respect of the Peace Tower should be maintained. We have several buildings downtown that aren't selling and this will only add to it.

The plans are over ambitious for the footprint of the lot and I truly question whether it will allow for proper ingress and egress and access to foundations should repairs be necessary. As well, in the case of a fire, this creates a difficulty for first responders to reach all properties in the area.

Response:

The applicant has revised the proposal to be a three-storey building. The new units are proposed to be rental units.

Comment:

My main concern is with the amount of traffic and noise that the construction will cause as I have tenants right next door. If I lose tenants because of the potential inconveniences I'd like to be able to seek compensation. Also if there is a possibility of damage to my property during the demolition and subsequent construction of the proposed building, again I would need any damage addressed appropriately.

Response:

By-law Services is responsible for any noise or construction related issues, which are outside the scope of the review of this application.

Comment:

The proposed building is too high for its location. The builder is proposing 9 storeys, which is quite high especially given that it has such a small footprint. Also given its size, it sticks out relative to other buildings in the area and on the street specifically.

Aesthetically, the proposed building does not blend in well with other buildings in Centretown. Although the first 2-3 storeys are brown brick, the other storeys are sheet metal grey. You can see from the rendering below that it does not work well with its proposed location.

Not only is the developer asking for it to be rezoned, they are also then asking for exemptions to the zoning for which they are seeking an exemption. If the rezoning is granted, the building should at least be limited to the normal 6 storeys for the area and should not encroach on the sidewalk as they are proposing in their application (as exemptions).

Response:

The applicant has revised the proposal to be a three-storey building and it is proposed to limit the height on the site to 12 metres.

Comment:

I feel that the relief request should be denied. Too many buildings are too close to the street and do nothing to enhance pedestrians. Reducing the amenity area also denies a better look. Landscaping should be crucial to keep our city pleasing to the eye. The height is fine with me.

Response:

With the reduction in the number of units proposed, the amenity area requirement is now being met. The proposed front yard setback is in line with the neighbouring building to the west and is in compliance with the TM zoning.

Comment:

Wonderful idea to densify the area, though 9 stories is a bit much for this specific site. A 6-storey building would be better suited for this specific site and with current public transport offerings. The new build must offer/have affordable housing.

Response:

The applicant has revised the proposal to be a three-storey building. By increasing the supply of rental units within the neighbourhood, there will be less pressure on the rental market, which helps to create more affordable rents.

The following public comments were received for the revised three-storey proposal:

Comment:

I 100% approve of the revision. This will be a great improvement to the streetscape and is exactly the right scale to the footprint ratio. Well done by all.

Comment:

I think this new option will serve the area much better than the previous one.

Comment:

I've reviewed the plans and think that they are fantastic. The red brick on the outside very much fits into the neighbourhood and the 3 floor height of the building is also much better. It is a far cry from the original proposal and definitely welcome to the area.