

5. Zoning By-law Amendment – 133 Booth Street, 301 and 324 Lett Street
Modification du Règlement de zonage – 133, rue Booth, 301 et 324, rue Lett

Committee recommendation

1. That Council approve an amendment to Zoning By-law 2008-250 for 133 Booth Street, 301 and 324 Lett Street to amend the holding symbol provisions between the various properties and add site-specific exceptions for the next phase of development, as detailed in Document 3.
2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

Recommandation du Comité

1. Que le Conseil approuve une modification du Règlement de zonage 2008-250 pour le 133, rue Booth, ainsi que le 301 et le 324, rue Lett afin de modifier les dispositions d'aménagement différé entre les différentes propriétés et d'ajouter des exceptions propres aux emplacements pour la prochaine phase d'aménagement, comme indiqué dans le Document 3.
2. Que le règlement de mise en œuvre ne soit pas soumis à l'examen par le Conseil avant la conclusion de l'entente prévue à l'article 37 de la *Loi sur l'aménagement du territoire*.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 12, 2021 (ACS2021-PIE-PS-0100)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 12 août 2021 (ACS2021-PIE-PS-0100)
2. Extract of draft Minutes, Planning Committee, August 26, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 26
août 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
26 August 2021 / 26 août 2021**

**and Council
et au Conseil
8 September 2021 / 8 septembre 2021**

**Submitted on 12 August 2021
Soumis le 12 août 2021**

**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: ACS2021-PIE-PS-0100

**SUBJECT: Zoning By-law Amendment – 133 Booth Street, 301 and 324 Lett
Street**

**OBJET: Modification du Règlement de zonage – 133, rue Booth, 301 et 324,
rue Lett**

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 133 Booth Street, 301 and 324 Lett Street to amend the holding symbol provisions between the various properties and add site-specific exceptions for the next phase of development, as detailed in Document 3.
2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed.
3. 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 September 8, 2021," 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 133, rue Booth, ainsi que le 301 et le 324, rue Lett afin de modifier les dispositions d'aménagement différé entre les différentes propriétés et d'ajouter des exceptions propres aux emplacements pour la prochaine phase d'aménagement, comme indiqué dans le Document 3.
2. Que le règlement de mise en œuvre ne soit pas soumis à l'examen par le Conseil avant la conclusion de l'entente prévue à l'article 37 de la *Loi sur l'aménagement du territoire*.
3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation, 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 8 septembre 2021», 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

Staff Recommendation

Planning staff recommend approval of the Zoning By-law Amendment for 133 Booth Street, 301 and 324 Lett Street to amend the holding symbol provisions between the various properties and add site-specific exceptions for the next phase of development.

The application will have the effect of rezoning all the subject properties (lands shown in Document 1) by modifying where the urban exceptions and holding symbols are applied, and adding site-specific provisions for the new first phase of development at 301 Lett Street (Area D and E on Schedule 386) to reduce the ground floor non-residential use requirements, permit a mezzanine level within the ground floor residential uses and increasing the bicycle parking.

Applicable Policy

The proposed development conforms to the Official Plan. The site is designated as Central Area (3.6.6) in the Official Plan, a target area for intensification, and the designation permits a wide variety of uses that encourages enhanced pedestrian-oriented activities and aims of increasing housing opportunities downtown.

As per the Central Area Secondary Plan, the site is located within the LeBreton Flats Character Area, subject to the site-specific “East Flats” policies, and the lands are dedicated as mixed-use. Despite the requested zoning amendments, the proposed development is consistent with the 2018 Council approved policy changes. The development provides for an active residential frontage along Lett Street, and an active mixed-use frontage around the balance of the building.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Councillor McKenney and the applicant organized a community information session, held virtually, on October 20, 2020. Approximately 30 members of the public attended, where the applicant provided a presentation, followed by a question and answer period.

During the application review approximately 60 individuals/groups provided comments. While some comments were submitted in support, majority of the submission noted concerns focused on phasing and land use, traffic and parking, height and density, affordable housing, parks and connectivity.

RÉSUMÉ

Recommandation du personnel

Le personnel de planification recommande l'approbation de la modification pour le 133, rue Booth, ainsi que le 301 et le 324, rue Lett afin de modifier les dispositions d'aménagement différé entre les différentes propriétés et d'ajouter des exceptions propres aux emplacements pour la prochaine phase d'aménagement, comme indiqué dans le Document 3.

La demande aura pour effet le rezonage de toutes les propriétés visées (terrains indiqués dans le Document 1) en modifiant l'endroit où les exceptions urbaines et les symboles d'aménagement différé sont appliqués et en ajoutant des dispositions propres aux emplacements pour la nouvelle première phase d'aménagement au 301, rue Lett (zones D et E de l'Annexe 386) afin de réduire les exigences d'utilisation non résidentielle au rez-de-chaussée, de permettre l'aménagement d'un niveau mezzanine dans les utilisations résidentielles au rez-de-chaussée et d'augmenter le stationnement pour vélos.

Politiques applicables

L'aménagement proposé est conforme au Plan officiel. L'emplacement est désigné secteur central (3.6.6) dans le Plan officiel, un secteur cible pour la densification, et la désignation permet une grande variété d'utilisations qui encouragent des activités axées sur les piétons et visent à accroître les possibilités de logement au centre-ville.

Conformément au Plan secondaire du secteur central, l'emplacement est situé dans le secteur pittoresque des Plaines LeBreton, assujetti aux politiques relatives aux « East Flats » propres à l'emplacement, et les terres sont désignées pour une utilisation polyvalente. Malgré les modifications de zonage demandées, l'aménagement proposé est conforme aux modifications de politique approuvées par le Conseil en 2018. L'aménagement prévoit une façade résidentielle active le long de la rue Lett, et une façade active à utilisations polyvalentes pour le reste du bâtiment.

Consultation publique/commentaires

Un avis a été donné, et une consultation publique a eu lieu, conformément à la Politique d'avis et de consultation publique approuvée par le Conseil pour les demandes d'aménagement.

Lea conseiller•e McKenney et le demandeur ont organisé une séance d'information communautaire, qui s'est tenue virtuellement le 20 octobre 2020. Environ 30 membres du public y ont assisté, et le demandeur a présenté un exposé, suivi d'une période de questions et réponses.

Pendant la période d'examen de la demande, environ 60 personnes/groupes ont fourni des commentaires. Bien que certains commentaires aient été présentés à l'appui, la majorité des observations ont fait état de préoccupations axées sur l'échelonnement des travaux et l'utilisation du sol, la circulation et le stationnement, la hauteur et la densité, le logement abordable, les parcs et la connectivité.

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

133 Booth Street, 301 and 324 Lett Street, as shown on Document 1

Owner

Claridge Homes (c/o Neil Malhotra)

Applicant

Claridge Homes (Vincent Denomme)

Description of site and surroundings

The subject site is located east of Booth Street, between Fleet Street to the north, and the heritage aqueduct and Confederation O-Train line to the south. East of the subject sites exists the first two phases of the “East Flats” neighbourhood constructed by Claridge Homes. The site is approximately 2.1 hectares.

The following land uses surround the subject site:

- North: The NCC owned land currently developed as a public green space known as Pindigen Park is across Fleet Street to the north, with the Holocaust War Memorial and Canadian War Museum, and Chaudiere Island (Zibi development lands) further north.
- East: East of the subject site exists the first two phases of the “East Flats” neighbourhood constructed by Claridge Homes; two residential apartment buildings, eight and 15 storeys in height.
- South: Immediately south of the site is the heritage aqueduct, and the Confederation O-Train line with Pimisi Station accessed from Booth Street. Further south includes the lands selected for the new Ottawa Public Library and Library and Archives Canada joint-facility, and a pre-dominantly low-rise residential neighbourhood south of Albert Street.
- West: West of Booth Street includes vacant lands in LeBreton Flats owned by the National Capital Commission that will be subject to LeBreton Flats Master Concept Plan.

Summary of proposed development

In July 2018, City Council approved Official Plan Amendment and Zoning By-law Amendment applications to permit a development concept of five high-rise mixed-use buildings ranging from 25 to 45 storeys. The concept included 1950 residential units and a variety of commercial spaces, predominantly at grade. The previous zoning approval allowed for the first phase of development, as requested by the applicant, to be located at 133 Booth Street (corner of Booth and Fleet); Area A and the podium in Area B of Schedule 386. This was done through exceptions 2503 and 2504 and holding symbols.

The purpose of this application is to amend the development phasing and associated zoning provisions and holding symbol criteria, such that the developments in Area D and E would be permitted to proceed as the first phase with the balance of the areas remaining subject to a holding symbol.

The site development concept remains consistent with the July 2018 Council approval. However, as a result of this application, the proposed buildings at 301 Lett Street (Area D and E, Schedule 386), which maintain the mixed-use concept and towers at 25 and 30-storeys, respectfully, require additional site-specific provisions to reduce the amount

of required ground floor non-residential uses, and add a provision to permit the ground floor residential units to include a mezzanine level. The site design maintains the previous requirements for active frontages and the provision for a mid-block connection.

The proposed development for the new first phase between the 25 and 30-storey mixed-use building includes approximately 590 residential dwelling units, a day care facility with 482 square metres of indoor space and 280 square metres of outdoor space, and approximately 760 square metres of commercial space. The parking garage has a shared access for the buildings and has 326 spaces, of which 56 are dedicated for visitor parking. A total of 639 bicycle spaces are provided, including 50 spaces at-grade and around the building to support the commercial units and day care.

Summary of requested Zoning By-law Amendment

The subject properties are currently zoned as follows:

- 133 Booth (Area A on Schedule 386) is zoned Mixed-use Downtown, Exception 2503, Schedule 386 (MD [2503] S386)
- 301 and 324 Lett (Areas B, C, D and E on Schedule 386) are zoned Mixed-use Downtown, Exception 2504, Schedule 386, subject to a holding symbol (MD [2504] S386 -h)

The application will have the effect of rezoning all the subject properties (lands shown in Document 1) by modifying where the urban exceptions and holding symbols are applied, and adding the following site-specific provisions for the new first phase of development at 301 Lett Street (Area D and E on Schedule 386):

- Requiring at least 26 per cent of the ground floor to consist of non-residential uses, which may include a day care. The MD zone requires 50 per cent.
- To allow the ground-oriented units along the east side of the building on Lett Street to incorporate a mezzanine, despite the definition of “storey” for the purpose of maintaining the maximum building heights permitted on Schedule 386.
- Increase the bicycle parking requirement to 1.0 space per unit.

Brief History of Proposal

The development concept for this proposal was approved by Council on July 11, 2018.

The staff report and approval can be viewed [here](#). While the development application remains consistent with the plans presented in 2018, some changes in details are evident in this update. Staff note, for Council's awareness, that the approved 2018 staff report previously advised that "the requirement for affordable housing and a childcare facility (stemming from the subdivision agreement), would be included in the first phase of development". However, while the next phase of development will deliver a child care facility in the form of a day care, the Affordable Housing Agreement that exists obligates the affordable housing within Block 4 of the subdivision, which is located within the lands along Booth Street.

Despite the change in phasing, the current proposed development, with 301 Lett being developed first, adds the benefit of the Section 37 contributions contained within this report, maintains a mixed-use development, and brings a variety of residential dwelling units supporting the growth and evolution of LeBreton Flats.

DISCUSSION

Public Consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

Councillor McKenney and the applicant organized a community information session, held virtually, on October 20, 2020. Approximately 30 members of the public attended, where the applicant provided a presentation, followed by a question and answer period.

During the application review approximately 60 individuals/groups provided comments. While some comments were submitted in support, majority of the submission noted concerns focused on phasing and land use, traffic and parking, height and density, affordable housing, parks and connectivity.

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

Official Plan designation and policies

According to Schedule B of the Official Plan (OP), the property is designated as Central Area.

Other applicable policies and guidelines

The [Central Area Secondary Plan](#) in Volume 2a of the OP is applicable. Within this Plan, the site is located within the LeBreton Flats Character Area, which is noted as a

unique site that is critical to the future of the heart of the Nation's Capital and the Central Area of the City. Site Specific policies for the "East Flats" are noted in Section 1.11.13 and Map 6 provides for the maximum building height and active frontage requirements of the subject site.

Urban Design Review Panel

The property is within a Design Priority Area and the corresponding Site Plan Control application (D07-12-20-0074) was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting on September 3, 2020, which was open to the public.

The panel's recommendations from the formal review are provided in Document 6 for ease of reference, however, staff note that the focus of UDRP was specifically related to the Site Plan application given the nature of this Zoning By-law Amendment application.

As the corresponding Site Plan application remains an active file, the details of UDRP and any implementation will be resolved through the continued review and approval of that application. So far, improvements have been made such as widening the mid-block connection pathway, incorporation of more historic material, screening the pool areas along the pathway for privacy and bird-safe design, and further developed the public realm.

Planning rationale

Official Plan

The site is designated as Central Area (Section 3.6.6), a target area for intensification, and the designation permits a wide variety of uses that encourage day/night and year-round activities. Walking, cycling and transit are a priority during peak traffic periods, and the policy framework places a strong emphasis on quality urban design, human scale development and an enhanced pedestrian realm.

The requested amendment, predominantly triggered by the change in phasing, is minor in nature and the development, overall, is consistent with the OP and previous Council approval. Both buildings in this phase remain as mixed-use, despite the requested provision for at-grade reduction, which was constrained by the Secondary Plan requirement for at-grade residential along Lett Street. The design of Building E has a large commercial unit facing the future park, and also incorporates commercial space on the second floor, meeting the intent and purpose of the mixed-use requirements.

Furthermore, the ground floor design, as shown within images in Document 4, maintains an active frontage on all four sides of the sites, through the mid-block connection, and through the use of ground-oriented residential units, commercial spaces, residential lobbies and amenity areas.

Additionally, this phase maintains the ability to encourage active transit choices with excellent proximity to pedestrian and cyclist infrastructure and is within 300 metres walking distance to Pimisi Station. Vehicular parking for residents is provided at a rate of 0.45 spaces per unit.

The proposed amendments are consistent with the OP

Secondary Plan

As per the Central Area Secondary Plan, the site is located within the LeBreton Flats Character Area, subject to the site-specific “East Flats” policies, and the lands are dedicated as mixed-use. Despite the requested zoning amendments, the proposed development is consistent with the 2018 Council approved policy changes. The development provides for an active residential frontage along Lett Street, and an active mixed-use frontage around the balance of the building. Furthermore, through the Section 37 contribution, this phase will deliver the park (as shown on [Map 6](#)) with a \$2,000,000 contribution for the design and construction of the park. The final design and timing for construction will be reviewed with the Parks staff through the Site Plan application and conditions.

The proposed amendments are consistent with the Secondary Plan.

Recommended Zoning Details

As detailed in Document 3, the Zoning By-law Amendment application proposes site-specific provisions, by modifying Urban Exceptions 2503 and 2504, and rezoning the lands to alter where the holding symbol applies. The following summarizes the changes and rationale:

- Staff support the change in phasing and where the holding symbol applies. The 2018 Council approval authorized the zoning with the first phase located at the corner of Booth and Fleet. The reason for this being the first phase was not unique to any planning consideration or policy alike, but rather it was intended as the first phase by the developer. However, the developer has reconsidered the approach to the “East Flats” development by changing to the first phase to the

middle block at 301 Lett, and as a result the urban exceptions and holding symbols require amendment. Staff are supportive of this development, and updated plans and reports have been considered through this amendment and will continue to be reviewed in detail through the corresponding Site Plan application. Theoretically, had the developer proposed this as the first phase in 2018, it would have been recommended for approval in the same manner. Furthermore, the strategy on the holding symbol still applies such as monitoring transportation modal targets from this development and reviewing site servicing capacity through subsequent phases.

- The MD zone requires a minimum of 50 per cent of the ground floor to contain non-residential uses. In 2018, during the OPA and Rezoning, the subject property (301 Lett, Area D and E on Schedule 386) was rezoned from an R5 zone to MD, and the site-specific policies required ground-oriented residential units along Lett Street. The subdivision agreement also obligates inclusion of a day care. It was an oversight on the constraints that this arrangement would incur for meeting the 50 per cent requirement of the MD zone for ground floor commercial uses, such that the day care and residential units would not contribute to this requirement. Nonetheless, the design of the buildings maintain a mixed-use approach with a commercial unit fronting Fleet Street, a larger two-storey commercial unit(s) on the south side facing Lett Street, as well as the day care facility at the corner of Lett and Fleet. Additionally, the ground floor is designed with active frontage and animation on all sides and through the mid-block connection. Staff are of the opinion that this is consistent with the original intent for this block and is a suitable development for the location.
- The residential units along Lett Street have high floor-to-ceiling heights to match the ground floor height, and the inclusion of a mezzanine level enables the design of these units to have more bedrooms, possibly family-oriented, or even the ability to provide for a live-work arrangement. This does not affect the overall height of the building and is an appropriate provision to allow the mezzanine without impacted the number of storeys permitted on Schedule 386.
- To ensure the development delivers the intended bicycle parking, which supports the transit demand strategy of being an active transit development, the required bicycle parking is being increased from 0.5 spaces per unit to 1.0 spaces per unit.

Section 37 Agreement

Pursuant to Section 37 of the *Planning Act*, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law, in return for the provision of community benefits. The Official Plan (Section 5.2.1.11) states that limited increases will be permitted in return for the provision of community benefits as set out in the Zoning By-law, which shall be secured through an agreement registered on title, as per the *Planning Act*. The project must represent good planning.

Prior to the July 11, 2018 Council approved Zoning By-law Amendment, 301 Lett (Area D and E on Schedule 386) was located in an “R5” zone with a height limit of 20 metres. The development of this phase results in a proposed Gross Floor Area increase more than 25 per cent relative to the previous zoning in effect. As such, the Owner is required to provide a Section 37 contribution. As discussed, in this report, planning staff are satisfied that the proposed development conforms with the principles and policies of the Official Plan, the Central Secondary Plan, and relevant Council-approved design guidelines and that it represents good planning.

As set out in the Council-approved Section 37 Guidelines, the Ward Councillor, in consultation with the local community, will identify potential benefits to be considered for inclusion in a Section 37 By-law and Agreement. Council will then give approval to the contributions and associated community benefits being secured as part of the approval of the zoning changes for increased height and density. Potential community benefits may also be determined through a secondary planning process.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$2,000,000 plus non-monetary contributions after draw-down factors. This contribution will provide the following:

- \$2,000,000 contribution for the construction and design of “Park – East Flats”
- The Owner agrees that at least one of the residential towers will be a purpose-built rental building.
- At least twenty dwelling units, two-bedroom or more, will be rented at or below Average Market Rent, for a minimum period of 10 years.

The details of the Section 37 contributions are also contained within the Zoning By-law Amendment (see Document 3). The \$2,000,000 contribution for the construction and

design of “Park – East Flats” will be provided prior to the issuance of a building permit and all community benefits will be secured through the Section 37 Agreement to be registered on title and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment. The implementing Zoning By-law will not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Catherine McKenney provided the following comment:

“I share the concerns of the existing community that the decision to switch the removal of the holding symbol from Area A to Areas D and E will cause a higher level of development and intensification at a quicker pace than was originally agree upon, resulting in a significant increase in parking and decrease in retail and institutional uses presented in the original proposal. Developing Areas D and E first, as opposed to Area A, does not work within the larger LeBreton Flats context. Adding two largely residential buildings instead of one mixed-use building as the first phase of this project will bring 609 new residents into the area with significantly less retail and amenity spaces available to them. The current residents of LeBreton Flats and those moving in with the first phase of this project require adequate shops and amenities, such as a food store, sooner rather than later.”

LEGAL IMPLICATIONS

Should the recommendations be adopted and the resulting zoning by-law be appealed to the Ontario Land Tribunal, it is anticipated that a one week hearing would be required. It is anticipated that this hearing can be conducted within staff resources. In the event that the zoning application is refused, reasons must be provided. Should there be an appeal of the refusal, it would be necessary to retain an external planner

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

The recommendations documented in this report are consistent with the City's [Comprehensive Asset Management \(CAM\) Program](#) objectives. The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

The lands which are already owned by the City south of Lett Street and over the covered aqueduct will be developed as a City-owned Park, and funding for this park is a result of the \$2,000,000 Section 37 contribution from this report. Design and Construction of this park will be subject to a separate process with the Recreation, Culture and Facilities Department, and once built the Park will become a new City asset.

FINANCIAL IMPLICATIONS

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution for this proposal has been determined to be \$2,000,000 plus non-monetary contributions after draw-down factors. This contribution will provide the following:

- \$2,000,000 contribution for the construction and design of "Park – East Flats"
- The Owner agrees that at least one of the residential towers will be a purpose-built rental building.
- At least twenty dwelling units, two-bedroom or more, will be rented at or below Average Market Rent, for a minimum period of 10 years.

The \$2,000,000 contribution for the construction and design of "Park – East Flats" will be provided prior to the issuance of a building permit and all community benefits will be secured through the Section 37 Agreement to be registered on title and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment.

In the event the application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services' operating budget.

ACCESSIBILITY IMPACTS

The new buildings are required to meet the accessibility criteria contained within the Ontario Building Code. Based on current Site Plan review, the development demonstrates that the proposed building is accessible, including common entrances, corridors and amenity areas. Staff have no concerns about accessibility.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities
- Integrated Transportation

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-19-0099) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law Amendment applications due to delays in applicant response on the approach to housing strategy and Section 37 negotiation, as well as staff workload and resources.

SUPPORTING DOCUMENTATION

Document 1 Location Map (Subject Site)

Document 2 Location Map (Zoning)

Document 3 Details of Recommended Zoning

Document 4 Development Concept Images

Document 5 Consultation Details

Document 6 Urban Design Review Panel: Recommendations

CONCLUSION

The proposed development, despite the change in phasing, is consistent with the previously approved zoning (development concept) and site-specific East Flats policies in the Central Area Secondary Plan. The development provides a mixed-use building, and delivers a new park, while maintaining a design with active frontages and a mid-block connection. The amendments represent good planning, are consistent with the Provincial Policy Statement, conform to the Official Plan and Secondary Plan, and are recommended for approval.

DISPOSITION

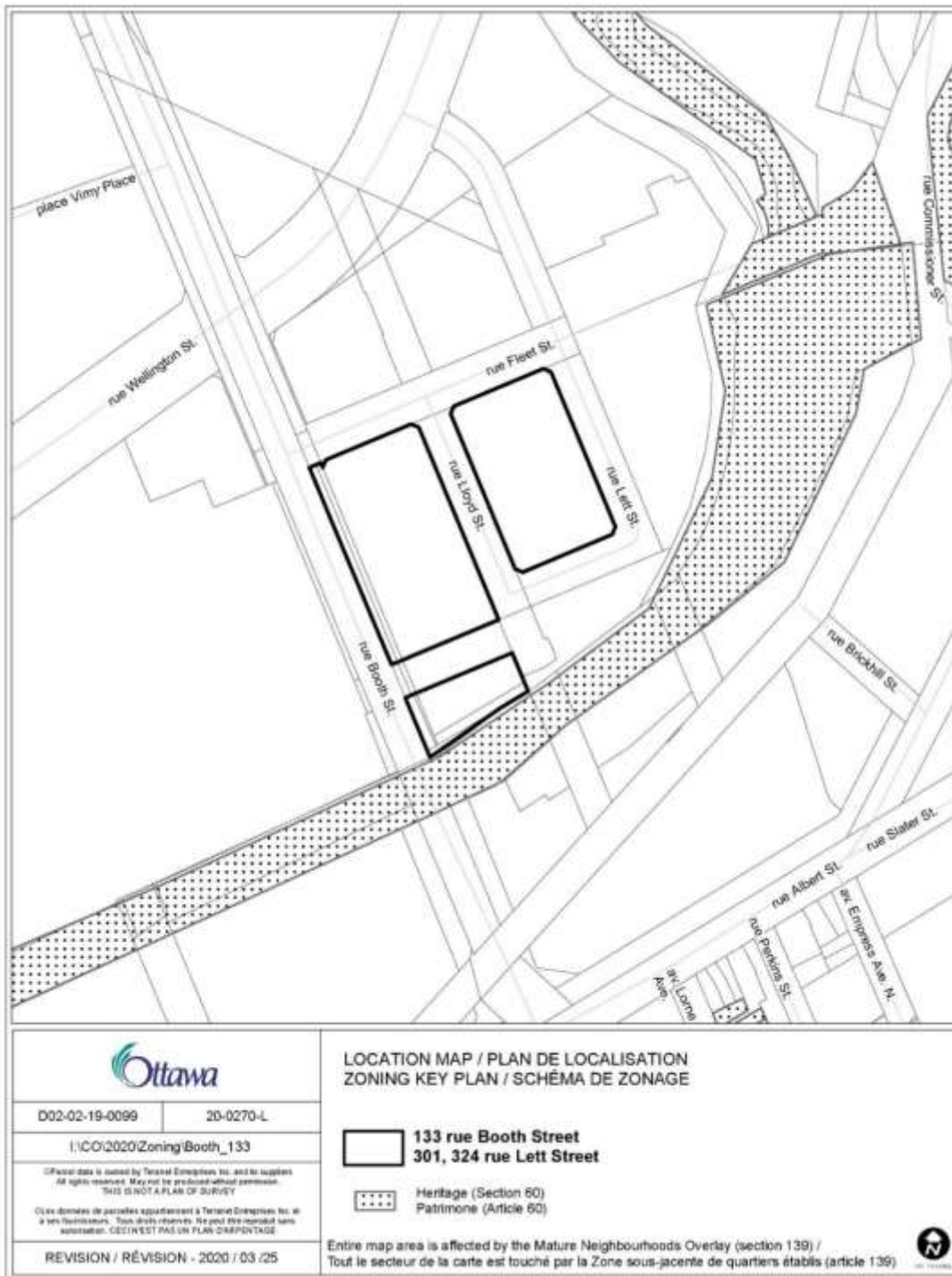
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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.

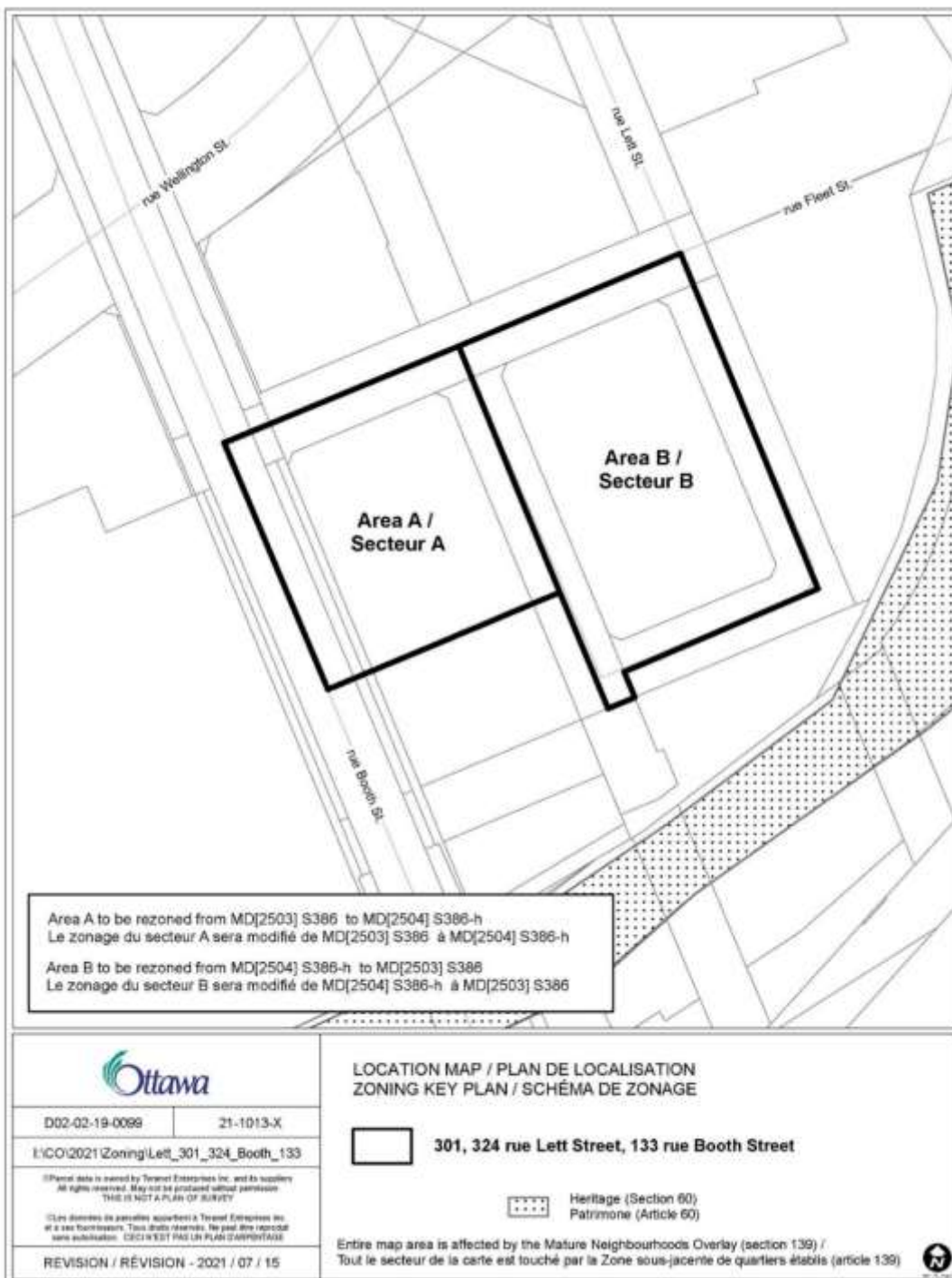
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map (Subject Site)



Document 2 – Location Map (Zoning)



Document 3 – Detail of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 133 Booth Street, 301 and 324 Lett Street are as follows:

1. Rezone the lands as shown in Document 2.
2. Amend Section 239, Urban Exception 2503, as follows:
 - a. Amend Column V with provisions similar in effect as follows:
 - i. Replace the provision “the maximum Gross Floor Area is 28,000 square metres” with “the maximum Gross Floor Area is 37,000 square metres”.
 - ii. Add the provision “Despite Section 192(2), at least 26 per cent of the ground floor must be occupied by non-residential uses, which may include a day care”.
 - iii. Add the provision “Despite the definition of “storey”, ground floor residential units may include a mezzanine and for the purpose of maximum building heights on Schedule 386, such dwelling units are to be considered as one storey”.
 - iv. Despite Table 111(a)(b)(c), the minimum number of bicycle spaces required is 1.0 per dwelling unit or rooming unit.
3. Amendment Section 239, Urban Exception 2504, as follows:
 - a. Amend Column V with provisions similar in effect as follows:
 - i. Replace the provision “maximum combined Gross Floor Areas B, C, D and E in Schedule 386 is 92,000 square metres” with “maximum combined Gross Floor Areas A, B and C in Schedule 386 is 83,000 square metres.”
 - ii. Amend holding symbol provision 3(a) by replacing the text “Area A and the podium in Area B of Schedule 386” with “Areas D and E of Schedule 386”.
 - iii. Amend holding symbol provision 4

"When triggered, as determined on a phase-by-phase analysis, a Section 37 agreement must be registered through a minor rezoning to lift the hold and amend Part 19 of the Zoning By-law prior to approval of the corresponding Site Plan"

by adding the text " , unless replaced by a community benefits by-law" at the end.

- iv. Delete the provision "Despite the holding symbol, a podium up to a maximum height of 18 metres is permitted to be built within Development Area B of Schedule 386 during Phase 1 construction."
- b. The following provisions dealing with Section 37 authorization will also be added to urban exception 2503 in Section 239:
 - i. Pursuant to Section 37 of the Planning Act, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by-law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in ii. below of this by-law.
 - ii. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
 - iii. Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue.

4. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 301 Lett Street (Area D and E, Schedule 386), and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

301 Lett Street (Area D and E, Schedule 386)

The City shall require that the owner of the lands at 301 Lett Street enter into an agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects and facilities/works to be undertaken by the owner with the total value of the benefits to be secured being \$2,000,000 to the City, indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Ottawa, calculated from the date of the Section 37 Agreement to the date of payment.

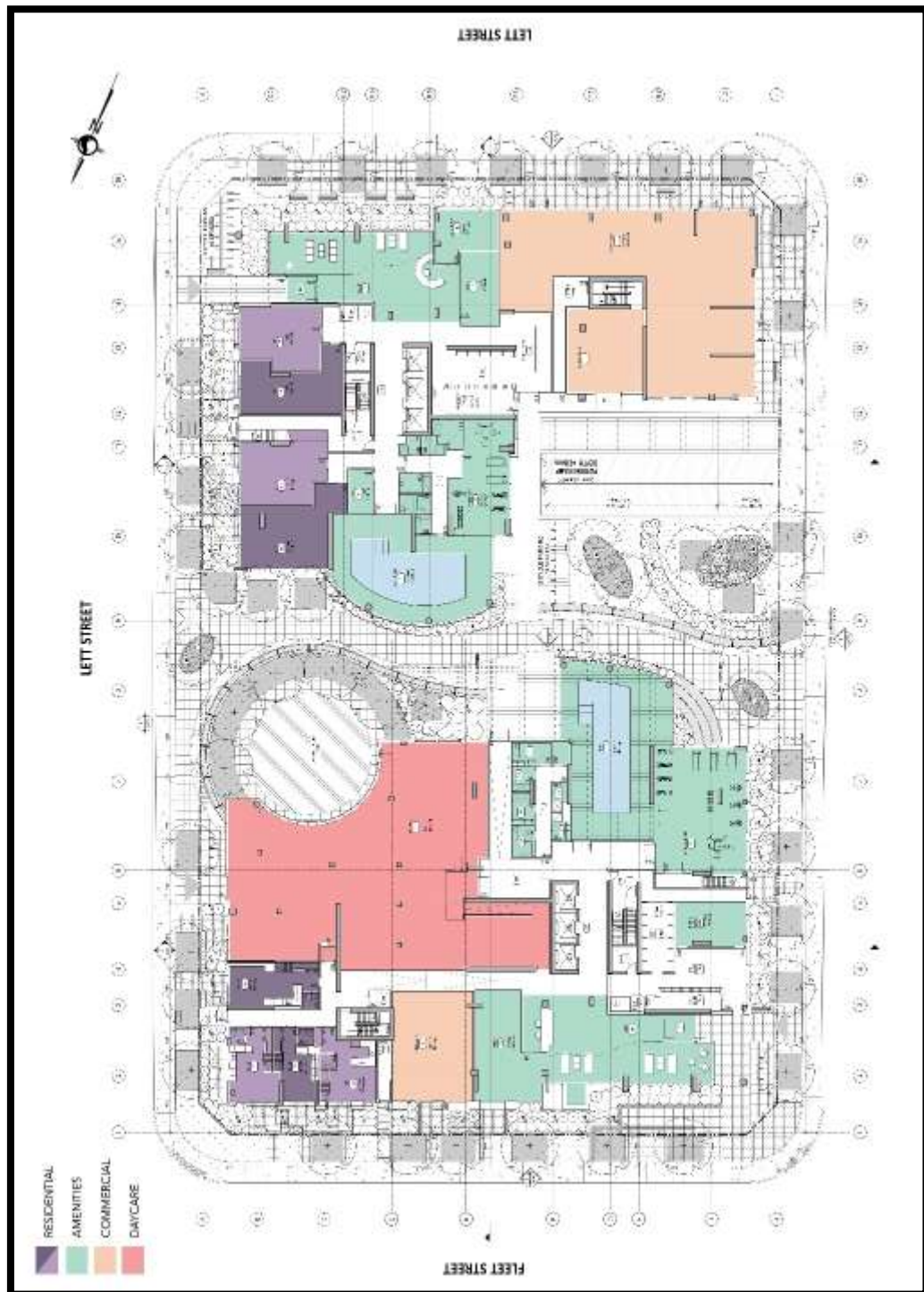
(a) The specific benefits to be secured and provided are:

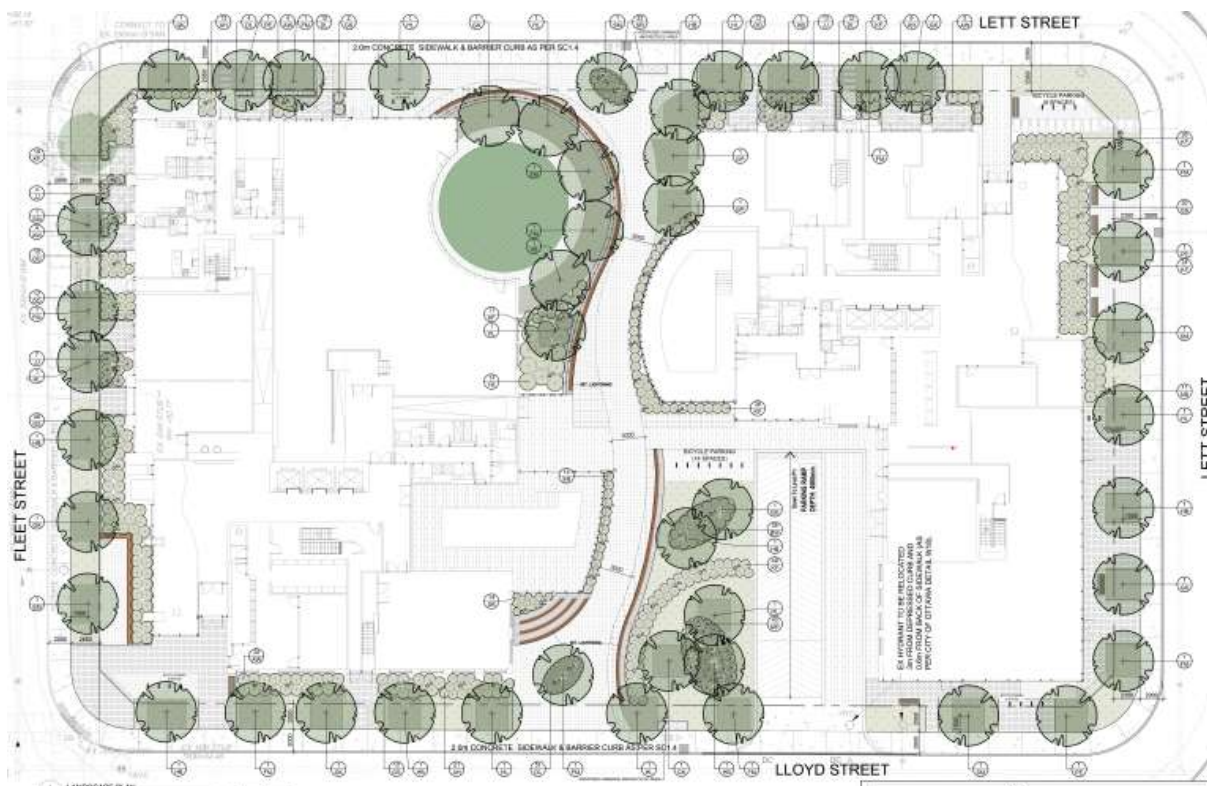
- “Park – East Flats” contribution for construction and design:
\$2,000,000.00
- In addition, the following non-cash contributions will be provided as part of the Site Plan Control approval process:
 - The Owner agrees that at least one of the residential towers will be a purpose-built rental building.
 - At least twenty dwelling units, two-bedroom or more, will be rented at or below Average Market Rent, for a minimum period of 10 years.

(b) Notwithstanding the foregoing, the owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.

(c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.

Document 4 – Development Concept Images





Document 5 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Councillor McKenney and the applicant organized a community information session, held virtually, on October 20, 2020. Approximately 30 members of the public attended, where the applicant provided a presentation, followed by a question and answer period.

During the application review approximately 60 individuals/groups provided comments. While some comments were submitted in support, majority of the submission noted concerns focused on phasing and land use, traffic and parking, height and density, affordable housing, parks and connectivity.

PUBLIC COMMENTS AND RESPONSES

The following summarizes, in no particular order, a list of general comment topics and items raised by members of the public in response to the application:

Support

- Support this plan as it is in close proximity to the parcel of land in question. I believe the site and surrounding areas are currently serviced by a lack of commercial options which then results in residents needing to travel to other areas of the city instead of their immediate neighbourhood. This plan includes commercial options that would begin to build the actual 'neighbourhood' and provide more local services for present and future residents.
- The density proposed in close proximity to nearby LRT stations constitutes a forward-looking approach to promote and engender additional ridership and use of the soon to be complete transit system. Also, with pressure on available units in the Ottawa area, I believe the amended proposal to include more residential units is in the interest of adjusting supply in the right direction.

Response:

As detailed in the staff report, the Zoning By-law Amendment application is recommended for approval.

Phasing and Land Use

- Taking into consideration that the 2018 plan has been approved by the city, I am very unhappy that the latest amendment proposal asks for additional residential units and a reduction of commercial and institutional usage.
- Allowance for commercial space be increased so that a full-sized grocery store (with parking) be included as part of the development
- This neighbourhood really needs some mixed use space with commercial (e.g., groceries, coffee shop, restaurant, shopping or other retail) and if they are not willing to honour that space from the previous proposal we should not be allowing even more residential units to be built.
- The first phase on Booth Street will be the least intrusive on the existing community and adjacent heritage resources, and will provide much-needed information to improve the plan for the next phase, scheduled for Lett Street. By putting the towers on Lett Street in to the first phase, the proposed Amendment undermines these potential benefits.
- The phasing is going to significantly increase the density in this area while pushing out into the future elements to benefit the community such as the retail spaces (with my primary concern being a grocery store), day care and other community spaces. In short, we will have more people but insufficient amenities in our area for the foreseeable future.

Response:

The proposed change in phasing for this development does not undermine the planning considerations for the development at large. What is proposed remains a mixed-use development with a commercial unit fronting Fleet Street, a larger two-storey commercial units fronting Lett Street (facing the future park), and a day care facility. There development was also subject to a requirement for at-grade residential units along Lett Street. While the previous concept noted an intention to deliver a grocery store, this was not guaranteed, but it remains a permitted use a future possibly. Furthermore, between the developments at 383 Albert and/or 400 Albert, adjacent to Lyon Station, there is a very strongly likelihood that a grocery store will be realized in at least of this building. These sites are within a 750 metres walking distance or one O-Train stop between Pimisi Station and Lyon Station.

The balance of LeBreton Flats has been vacant for decades and the notion of a new mixed-use development with residential units, including rental, is a welcomed change and one that is supported by the City.

As noted in the staff report, the phasing strategy is a matter of what the developer requested such that had this development been the original first phase, it would have been supported as recommended by this report. The holding symbol strategy for future phases, such as monitoring traffic and modal share impacts, remain applicable to subsequent phases.

Traffic and Parking

- Parking and vehicular traffic is already a major issue in this area. Access to an additional five very large buildings from the SJAM or Booth Street will be a huge problem
- The lights in front of The War Museum (Booth and Wellington) are very restrictive. The entrance to Fleet Street from Booth is also functionally one way. There is almost no way to head South without taking a considerable detour around Wellington, Sir John A. McDonald Parkway or up entering Hull. We are already heavily congested and forced with inconveniences. Adding another 350-600 condos would be a nightmare.
- Traffic was a major concern of local residents in 2018 and remains so today. However, in the 2018 decision of Council, a transportation review was promised for each phase of development. While Claridge Homes has prepared a revised Transportation Impact Study to support the proposed Amendment, it uses as a baseline traffic counts from 2016 and 2017, before 300 Lett was fully occupied. Most importantly, the TIS does not include the information that can be gained from the development of the first phase on Booth Street. How can we understand the real potential impact on the existing community living on Lett Street without this data?
- Parking for cars and car storage is limited to just 347 spaces in the proposed Amendment, in the attempt to discourage car use in this neighbourhood. However, real incentives also must be put in place to encourage cycling and walking and the use of public transit.
- I am concerned about the lack of parking, especially visitor parking if the amendment is approved as it would significantly add to the number of residential

units in an affluent area where car ownership is high.

Response:

Traffic will continue to be monitored from this phase and subsequent phases as per the holding symbol provision. The Transportation Impact Statement was updated for this proposed development phase and continues to be reviewed through the corresponding Site Plan application. This located is well-suited to support active transportation and staff are not concerned with the parking proposed for this development.

Bicycle parking was increased, including at-grade and outdoor bicycle parking to support the commercial units and day care, and a total that exceeds a 1:1 ratio for the residential units.

The amount of residential parking provided is at a rate of 0.45 spaces per unit, which is appropriate for a transit-oriented development where there will be desirable choice for active transit modes.

Building Height and Density

- Five uncharacteristically tall towers will NOT be a value-added proposition for the City of Ottawa, or the residents in the downtown core as the density is simply too high
- Towers are too tall and cause shadowing

Response:

The concept of the five-tower mixed-use development was previously approved by Council (see link in main report) and is not the subject of this current application.

Affordable Housing

- What accommodation is being made by the developer to provide affordable housing (if any) in this development. Ottawa has a serious lack of affordable housing, and this development certainly does not appear to take this into consideration.

Response:

Through the Section 37 agreement, the development will provide at least twenty, two-bedroom or more, units rented at or below average market rent for a period of at least

10 years. The developer is also looking at options to partner with the CMHC program for rental housing, that while not truly affordable, contributes to the overall housing strategy in the City. Lastly, the lands are subject to an affordable housing agreement and the subsequent phases within Block 4 along Booth Street maintain an obligation for affordable housing.

Parks and Connectivity

- Currently, the local multi-use pathway to Pimisi Station from Lett Street is not maintained by the City, and the potential connections between Lett Street and our neighbours in Chinatown and Little Italy are not being developed. The City aspires to “15-minute walkable communities,” which we strongly support, but we are not confident this goal will be achieved by the proposed Amendment without additional commitments to cycling and walking.
- Part of our concern arises from Claridge Homes promotion of the “East Flats” as a place with greenspaces and parks, a food store, a child-care centre and affordable housing. It is not clear how these elements are being incorporated in the proposed Amendment.
- We also question the commitment to parks adjacent Lett Street. Who will build “Land Bridge Park” to the South? (Also promoted by Claridge Homes, although it’s on City land.)

Response:

The subject site is well connected to a variety of a pedestrian/cyclist pathways and sidewalks. More importantly, through the Section 37 requirements of this development a \$2,000,000 contribution is being made towards the construction of the “East Flats” park south of Lett Street and over the covered portion of the adequate. The park will provide additional greenspace and amenity for the neighbourhood and be designed with the surrounding pathways and connectivity.

COMMUNITY ORGANIZATION COMMENTS AND RESPONSES

Dalhousie Community Association

The Dalhousie Community Association (DCA) provided comments early in the review process through a letter dated May 15, 2020. The following summarizes the submission.

Public Participation

Claridge Homes has committed to a “Public Consultation Strategy,” which has not been implemented. Some residents on Lett Street were informed of the proposed Amendment by the City on April 17, 2020, which requested comments within a month. It is a concern that no attempt has been made in this period to consult with the DCA or with residents directly impacted by the proposed Amendment. A decision on the proposed Amendment, before the public has been engaged, greatly weakens the developer’s public consultation strategy, and limits the ability of the community to offer informed comment.

Response:

A community information session was held on October 20, 2020.

Measured Development

From the point-of-view of the DCA, the principal benefits of the decision of Council is that it provided for phased development at a pace and scale that would have permitted greater participation by the residents of Lett Street and ensured that lessons learned in each phase could be used to improve the development of the next. A decision to change the order of this phasing will undermine these benefits, pushing development up against the existing residential neighbourhood and adjacent heritage resources, before the impact of high-rise development on Lett Street can be assessed as planned.

Response:

The height and density of this phase was approved by Council on July 11, 2018 and such was not the detail subject to change. The development as a whole needs to monitor things like servicing capacity, which is tied to the NCC’s work on the Master Servicing Study, and further review of transportation monitoring as development proceeds. This development brings the benefits of delivering more rental housing, the Section 37 contribution, which includes funding the park and affordable housing, and a mixed-use development suitable for the site context and location.

Traffic

A major concern of local residents in 2018, and ongoing, is how traffic, particularly cars, will be managed on Lett, Lloyd and Fleet Streets within the new development. In response, Council decided that “each phase of development, including the first, will require further transportation review...” This meant that a Transportation Impact Study (TIS) conducted after the completion of development on Booth Street would provide better information for the effective management of traffic on the local streets in the subsequent phases. Now Claridge Homes proposes to proceed with the second phase without this data. Moreover, while the TIS provided with the application for a Zoning By-law Amendment has been updated from the TIS prepared in 2017, the traffic volume counts are dated, collected in 2016 and 2017, before the existing residences at 300 Lett Street were fully occupied.

Response:

See response above to the “traffic and parking” comments.

Active Modes of Transportation

The DCA supports a greater emphasis on public transit, walking and cycling, which this development promotes. Accordingly, the Amendment, severely limits parking/storage for cars (347 spaces), presumably as a disincentive to automobile use. Yet the development allows for only 470 bicycle parking spaces. Ideally, by the City's guidelines, the number of these spaces should equal the number of residential units. Lett Street residents should be provided positive incentives to cycle and walk and use public transit. Active modes of transportation appear at this time to be the only tools the City will use to help connect LeBreton Flats to Chinatown and Little Italy. How these modes are supported by this development is crucial.

Response:

Staff agree, and the proposal was revised to significantly increase the amount of bicycle parking, including at-grade and outdoor bicycle parking to support the commercial units and day care. Bicycle parking is provided at a rate greater than a 1:1 ratio for the residential units.

Residential v. Commercial and Institutional Development

Claridge Homes acknowledges significant changes in uses between the currently approved Phase 1 development and that proposed in the Amendment. These include a two thirds reduction in retail space, a ninety per cent reduction in institutional space, and a fifty-seven per cent increase in residential units. In practical terms this eliminates the possibility of the “food store” promoted by the developer, and the LGBTQ12+ Museum announced last year. It severely limits the potential for shops and services in the first phase, yet more than doubles the number of residential units (from the existing 443 to 1,052) requiring these types of services. Moreover, the severe reduction in institutional space proposed in the amendment stands in contraction to Council’s desire for “a balance of jobs and housing” on LeBreton Flats.

Response:

The application was revised to provide an additional commercial unit along Fleet Street in addition to the large commercial unit facing the future park and the at-grade day care. The proposed development provided for a mixed-use development and is suitable for the site context in a manner consistent with East Flats policies of the secondary plan, which also requires active frontages, including ground-oriented residential unit along Lett Street. As noted in the staff report, the order of phasing was requested by the applicant, and had this development been the original first phase during the 2018 Council approval, staff would have dually recommended approval as such.

Child Care Facility

The child care facility is carried over in the proposed Amendment. This is welcome. However, it is notable that the space allocated for this purpose has been reduced by almost twenty per cent, putting into question whether the facility can accommodate the required 50 children. In addition, the exterior playground is not mentioned in the documentation supporting the proposed Amendment. We also note that the operation of the child care facility will be a City responsibility, for which financial resources will have to be identified.

Response:

The size of the proposed day care was revised to comply with the obligations of the subdivision agreement, with 464 square metres of indoor space and 280 square metres of outdoor space. The Zoning permits this use, and the final design of the outdoor space will be confirmed through the Site Plan approval.

Section 37 v. Bill108

Council's decision on the amendments approved in 2018 was based in part on the knowledge that Section 37 would not be triggered until the second phase. The DCA is concerned that funds for community benefits like parks, child care facilities and affordable housing, each one a desirable and promoted feature of the East Flats development, could be limited under the *More Homes, More Choice Act, 2019* (Bill 108). Greater clarity on the impact of this new Provincial legislation is needed before approving the proposed Amendment, which by the early introduction of more than 1,000 new residents (v. 560 in the currently approved first phase), underlines and makes urgent the need for these community benefits.

Response:

This Zoning By-law amendment, triggered by the change in phasing, is subject to Section 37 and the contributions are noted within the staff report.

Parks

A "new multi-use City park," (aka "Land Bridge Park") together with the existing Pindigen Park, are both features highlighted by Claridge Homes in the Planning Rationale prepared in support of the proposed Amendment. It is a concern that the City park may be delayed by funding concerns, as mentioned above, and that Pindigen Park is not included in the National Capital Commission's Master Concept Plan, which anticipates "mixed use buildings" on the site.

Response:

The Section 37 requirements provide for a \$2,000,000 contribution for the park.

Urban Design Review Panel (UDRP)

The current phasing of the development of East LeBreton Flats allows for the continuing involvement of the UDRP at each phase. For the residents of Lett Street, the Panel's observation that "The livability in the existing buildings to the east should also be maintained through proper building transition..." was crucial. While one of the towers in the second phase rests on a low-rise podium that will help to frame the street, the thirty story tower to the south appears to rise cliff-like from the edge of Lett Street. Again, the introduction of the tower on Booth Street first will allow the UDRP two opportunities to recommend design changes to help ensure the new towers on Lett Street relate to the public realm and promote "a sense of neighbourhood."

Response:

Building height is not subject of consideration for this Zoning By-law Amendment. Each development phase of the East Flats is subject to UDRP, and Document 6 notes the panel recommendations for this phase of development. These recommendations and final details of the building design will continue to be reviewed and approved through the corresponding Site Plan application.

Document 6 – Urban Design Review Panel: Recommendations

Formal Review – September 3, 2020

EAST FLATS (301 LETT STREET) | Formal Review | Minor Zoning By-law Amendment and Site Plan Control Application | Claridge Homes; EVOQ; James B. Lennox Landscape Architects; Urban Strategies Inc.

Summary

- Overall, the Panel is concerned that the residential approach does not meet the intent of the master plan and the indicated importance of a civic presence on this Capital Landscape facing site, particularly along Lett and Fleet Streets.
- The crystalline approach may be lost when window walls are used. The corten cladding is also of concern.
- The Panel encourages a reconsideration of the mid-block connection.

Building Design

- The civic presence of these two building and the block is very important, especially the gesture that is made at grade towards Lett Street, Fleet Street and the open spaces. The Panel encourages the proponent to take steps to enhance this civic gesture, especially at the podium level. For example, the treatment of the balconies needs to be reconsidered.
- Consider reducing some of the at-grade units and add more active frontage or open plazas.
- Consider adjusting the podium heights between the two towers to avoid a monotone ground plane and also to enhance the pedestrian scale and views associated with the project.
- The elevations should have more verticality and fewer balcony projections. The crystalline glass concept is interesting, but the Panel favours a curtain wall approach. This requires further development.

Revisit the vertical elements and how the building meets the street. The proposed podium and balconies break up this relationship.

- The ground floor programming is confusing and may be trying to accomplish too much.
- The subtle angles do not appear to have much impact and simplifying this may be an improvement.

Materiality

- The Panel questions the use of some of the materials, specifically the concrete brick panels, which can age poorly and stain easily. Consider using more noble materials such as brick and stone.
- Create a more robust landscape presence. Consider the use of corten steel in the ground plane treatment.
- The Panel supports the introduction of historical materiality in the design. The historical metal component could be used more generously in the podium and in the landscape and reduce in prominence further up the tower.

Site Plan Organization

- The Panel expressed concerns with the organization and approach to the courtyard space design and its grading. As proposed, the serpentine mid-block connection feels pinched, and will not achieve the objective of creating a strong public connection. Have it read more as public space and consider relocating the pools to the rooftop of the podium. The pools along this public pedestrian walkway would make it feel even more private.
- The utilities and gas metres need to be hidden and the ramp should be relocated into the building so that it does not cut off the open space.
- The lower level balconies will be well used by tenants. Explore means of ensuring a pleasant micro-climate in these spaces.
- Flanking the park on two sides requires a strong streetscape treatment that is contiguous with landscape treatment of the park.