

**11. Zoning By-law Amendment – 388 and 400 Albert Street, 156 and 160 Lyon Street**

**Modification au Règlement de zonage – 388 et 400, rue Albert, 156 et 160, rue Lyon**

**Committee recommendation**

**That Council approve an amendment to Zoning By-law 2008-250 for 388 and 400 Albert Street, 156 and 160 Lyon to add Hotel as an additionally permitted use, define parking rates, and permit car-sharing spaces, as detailed in Document 2.**

**Recommandations du Comité**

**Que le Conseil approuve une modification au Règlement de zonage 2008-250 pour les terrains situés aux 388 et 400, rue Albert, et aux 156 et 160, rue Lyon afin d'ajouter un hôtel comme utilisation supplémentaire permise, de définir les taux de stationnement et de permettre des places de stationnement d'autopartage, comme l'explique le document 2.**

**Documentation/Documentation**

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 5, 2021 (ACS2021-PIE-PS-0098)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 5 août 2021 (ACS2021-PIE-PS-0098)

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 5 August 2021  
Soumis le 5 août 2021**

**Submitted by  
Soumis par:  
Lee Ann Snedden  
Director / Directrice  
Planning Services / Services de la planification,  
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**Ward: SOMERSET (14)**

**File Number: ACS2021-PIE-PS-0098**

**SUBJECT: Zoning By-law Amendment – 388 and 400 Albert Street, 156 and 160  
Lyon Street**

**OBJET: Modification au Règlement de zonage – 388 et 400, rue Albert, 156 et  
160, rue Lyon**

## REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 388 and 400 Albert Street, 156 and 160 Lyon to add Hotel as an additionally permitted use, define parking rates, and permit car-sharing spaces, 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 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 au Règlement de zonage 2008-250 pour les terrains situés aux 388 et 400, rue Albert, et aux 156 et 160, rue Lyon afin d'ajouter un hôtel comme utilisation supplémentaire permise, de définir les taux de stationnement et de permettre des places de stationnement d'autopartage, comme l'explique 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 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.

## **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**

388 and 400 Albert Street, 156 and 160 Lyon Street

### **Owner**

Albert & Main Developments Inc, and 5015218 Ontario Inc.

### **Applicant**

Emily Roukhkian, Main and Main

### **Description of site and surroundings**

The site is bound by Albert Street to the north, Lyon Street to the east, Slater Street to the south, and Bay Street to the west encompassing nearly the entirety of the block except for the northwest corner. The site is an approximate 0.60 hectare lot with 81 metres of frontage on Albert Street, 60 metres on Lyon Street, 122 metres on Slater Street, and 30 metres on Bay Street.

Currently, the site is being used as a surface parking lot with some vacant land. Two three-storey apartment buildings exist to the northwest of the site between the site boundary and Bay Street. Lands to the north, east, and south consist of a variety of buildings, predominantly high-rise, including residential, hotel, office, and commercial uses. To the west, there is an institutional use, a high-rise residential building, and a predominantly low-rise residential neighbourhood further west.

The furthest corner of the site is approximately 225 metres walking distance to the Lyon O-Train Station.

### **Summary of proposed development**

In September 2020, City Council approved Zoning By-law Amendment application D02-02-17-0053 for a mixed-use development concept consisting of three high-rise towers (23, 29 and 35 storeys) intended for approximately 930 residential dwelling units, with ground and second floor commercial uses.

This application seeks to add Hotel as an additional permitted use to the recently approved zoning (R5Q [242] S89-h) by modifying Urban Exception 242. The zoning amendment will also allow for car-share parking spaces to be provided within the non-residential parking space allotment, and any parking provided for hotel shall be provided in accordance with zoning.

The site development concept remains consistent with the September 2020 Council approval, with the residential units being the predominant use and by maintaining commercial units on the ground floor and second storeys. The site design also includes the mid-block pathway and City dedicated parkland (pending Site Plan approval) on the corner of Albert and Lyon. It is anticipated that the tower at the corner of Bay and Slater will incorporate Hotel as a land use.

### **Summary of requested Zoning By-law Amendment**

The subject property is zoned Residential Fifth Density Zone, Subzone Q, Urban Exception 242, Schedule 89, and is subject to a holding symbol (-h); (R5Q [242] S89 -h). The application will rezone the property by amending Urban Exception 242, generally as follows:

- Add 'Hotel' as an additionally permitted use.
- Delete the provision "All uses are prohibited within Area B on Schedule 89B except park and existing uses until the holding symbol is removed" as a technical amendment. This provision stems from a 2015 rezoning and should have been removed through the September 2020 Council approval.
- Add a provision to permit car-sharing parking spaces.
- Add provisions to require any parking provided for a Hotel to be in accordance with zoning and not count towards the 84 spaces limited to non-residential parking.
- Ensure that where a hotel is provided, the total Gross Floor Area for all non-residential uses does not exceed 45 per cent.
- Modify the holding symbol provisions to allow for partial removal of the holding symbol for phased development.

## **Brief History of Proposal**

The development concept for this proposal was recently considered on September 9, 2020 when Council approved staff report [ACS2020-PIE-PS-0079](#).. The development of this site, despite adding Hotel as a use, will remain consistent with the current approvals in place, such as maintaining the mid-block pathway, providing a City-owned park, as well as the quality of architecture and curvilinear design (a requirement of the holding symbol).

## **DISCUSSION**

### **Public Consultation**

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

During the application review approximately 10 individuals/groups provided comments. Concerns raised were focused on parking and traffic, land use, environmental, accessibility, and construction.

For this proposal's consultation details, see Document 3 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 2 of the OP is applicable. Within this plan, the site is located within the Upper Town designation. The vision for Upper Town is to develop as a predominantly residential neighbourhood, which allows some limited commercial uses, with an emphasis on an enjoyable pedestrian environment. The designation also recognizes that the built form will be predominantly medium and high-profile development, supporting high-rise development.

### **Urban Design Review Panel**

The development of this site has been subject to several reviews with the Urban Design Review Panel, however, for the purpose of this application, a return to UDRP was exempt as the proposed amendments have not affected the sign design and concept.

## **Planning rationale**

### **Official Plan**

The site is designated as Central Area, 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.

Adding Hotel as a permitted use contributes the ability for a variety of day/night and year-round activities. It also serves to support the tourism industry in this important central location.

Furthermore, car-sharing spaces in residential zones are generally limited to three spaces. The proposed zoning provision will permit car-share parking, provided within the 84 non-residential parking space limit, to ensure flexibility and options for this large development, with the intent of reducing the reliance on personal vehicles.

The proposed amendments are consistent with the Official Plan.

### **Secondary Plan**

As per the Central Area Secondary Plan, the site is located within the Upper Town designation. The Upper Town area is intended to remain predominantly residential and permits a variety of medium and high-rise development. A limited number of small hotels will contribute to the pedestrian ambience of the area and provide a transition to nearby hotels in the western part of the Core and Sparks Street. Upper Town policies allow for uses within the area which are complementary to, and compatible with the residential character of the area.

The proposed amendment to include Hotel as an additionally permitted use and associated parking, including car-share parking, is consistent with the Secondary Plan and allows for a use complementary with the residential nature, and one that also supports tourism. The recommended zoning maintains the provision that non-residential uses are limited to the first two storeys; however, a hotel can be located anywhere within a building provided the total gross floor area of non-residential uses does not exceed 45 per cent. This provision ensures that regardless of what mix of non-residential uses is incorporated into the development and three towers, residential

will remain as the predominant use, and the commercial uses servicing the local population will be ground-oriented.

The proposed amendments are consistent with the Secondary Plan.

### **Recommended Zoning Details**

As detailed in Document 2, the Zoning By-law Amendment application proposes site-specific provisions, by modifying Urban Exception 242, to add Hotel as an additional permitted use, to allow for car-share parking spaces to be provided within the non-residential parking space allotment, and to require that any parking for a hotel be provided in accordance with zoning. The holding symbol will be modified to allow for partial removal for phased developments.

### **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 support the request to include Hotel as a permitted use for this site. This is a highly walkable area in close proximity to many tourist attractions and destinations for visitors, making this an appropriate site for a hotel.

I have concerns with the required addition of another parking garage entrance to accommodate the hotel and its potential location on Bay St. I would like the applicant to continue working towards a solution for keeping parking entrances on Slater St. and Albert St., not Bay St. where a cycle track was just put in place.”

### **LEGAL IMPLICATIONS**

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

### **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. Management of infrastructure capacities needed to support intensification in this area will be in accordance with strategies provided in the Infrastructure Master Plan.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report, as the amendment is primarily focused on adding hotel as a permitted use. Should this use be proposed in the future, review for accessibility will occur through a Site Plan application and subsequent building permits.

## **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: D02-02-21-0037) 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

**CONCLUSION**

The proposed development concept remains consistent with the September 2020 Council approval, and including Hotel as an additionally permitted use, adding car-share parking provisions, and modifying the existing site-specific provisions are supported by the Official Plan and Central Area Secondary Plan. Planning Services staff recommend that the application be approved.

**DISPOSITION**

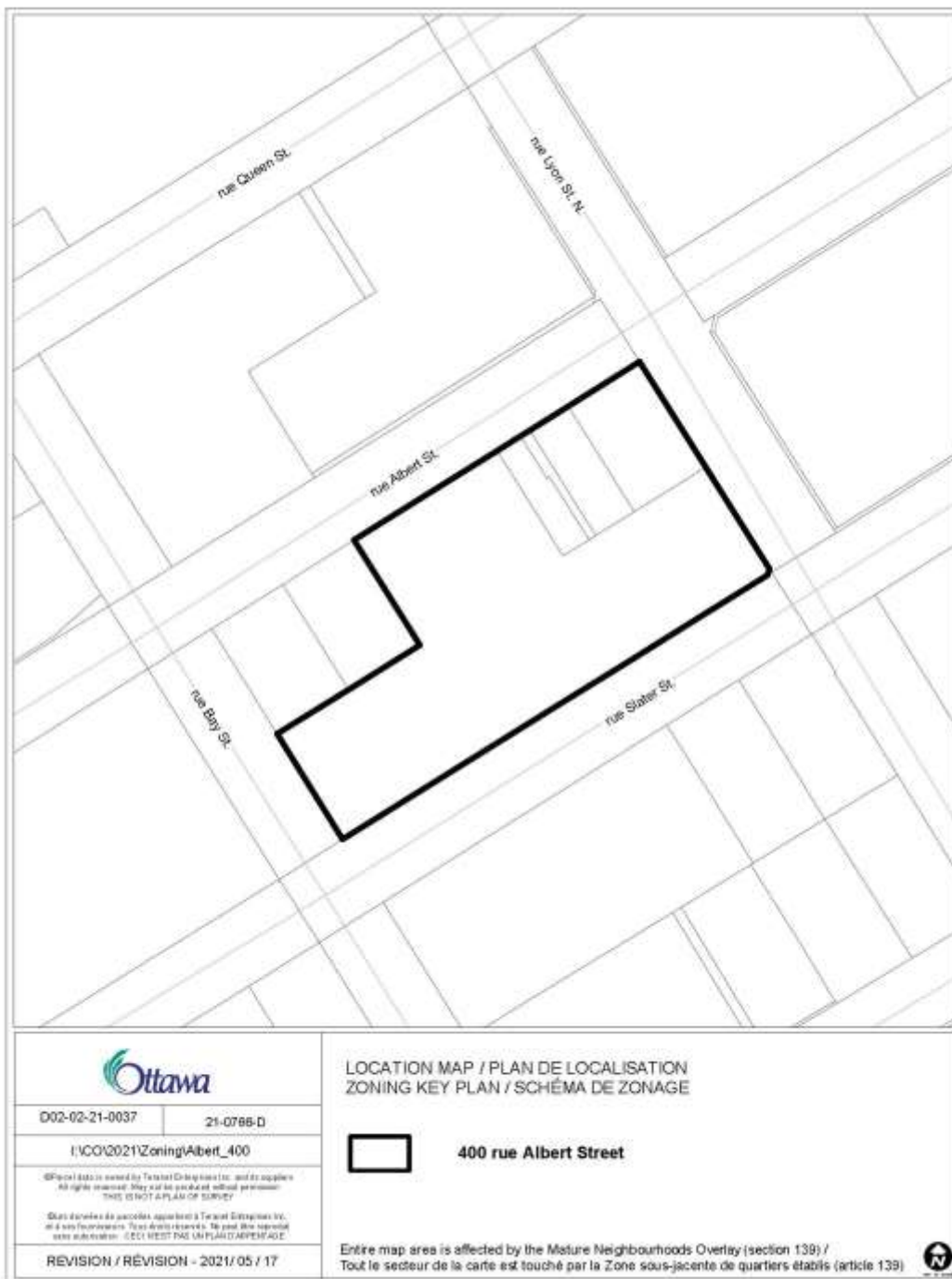
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

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



## **Document 2 – Detail of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 388 and 400 Albert Street, 156 and 160 Lyon Street are as follows:

1. Amend Section 239, Urban Exception 242, as follows:
  - a. In Column III, add 'Hotel' as an additionally permitted use.
  - b. In Column IV, delete the provision "All uses are prohibited within Area B on Schedule 89B except a park and existing uses until the holding symbol is removed".
  - c. Amend Column V, with provisions similar in effect as follows:
    - i. Replace the provision "Public parking garage, visitor and non-residential use parking spaces are limited to a maximum total of 84 spaces" with "Public parking garage, visitor and non-residential use parking spaces, except Hotel, are limited to a maximum total of 84 parking spaces".
    - ii. Add the provision "despite Section 94(3), car-sharing spaces are permitted and count towards the non-residential parking limit of 84 spaces."
    - iii. Replace the provision "Endnote 35 of Table 164B does not apply, and the additional permitted land uses listed in Column III are subject to the following:" with "Endnote 35 of Table 164B does not apply, and the additional permitted land uses listed in Column III, except hotel, are subject to the following:"
    - iv. Add the following provision "A hotel is permitted within any building, provided the total Gross Floor Area of non-residential uses on the lot does not exceed 45% of the total Gross Floor Area."
    - v. Add the following provision after the holding symbol criteria:

"Partial removal of the holding symbol may be considered to provide for phased development. The submission and approval of an application to lift the holding provisions on a phased basis may be considered provided the requirements for that development phase

satisfy the requirements for the lifting of the holding zone specified above.”

### **Document 3 – Consultation Details**

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

During the application review approximately 10 individuals/groups provided comments. Concerns raised were focused on parking and traffic, land use, environmental, accessibility, and construction.

### **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:

#### **Parking and Traffic**

- What is the nature of the car-share services spaces?
- Increased dwellings and reduced parking is not good. Where will visitors park, and services like contractors?
- The LRT does nothing for those who live downtown. Nobody takes public transit to go shopping or do things like go to the movies. Don't assume everyone living downtown will be walking or bicycling to work. Right now the largest segment of our population is over 60 and we need our cars.
- The Transportation Impact Assessment notes there will be an increase in vehicle trips as a result of the planned hotel along Slater Street, which will result in increased noise from residential traffic, taxis, truck delivery, and garbage services. We are, however, extremely grateful that the current plan has the entrance/exit to the Hotel on Slater Street instead of Bay Street, which would have severely aggravated congestion and safety issues for our residents and the broader community.
- Adequate parking needs to be provided as there is a shortage of onstreet parking.

#### **Response:**

The specifics of car-share services will be determined post-construction. The intent of the zoning provision is to allow for flexibility enabling the possibility of car-share providers and/or possibly even private car-share arrangements for residents of the

buildings. The matters of this zoning application and staff report do not propose to reduce the required parking. The development concept is consistent with the approval from September 2020 as detailed within the link included with the “brief history” section of this report.

### **Land Use**

- Downtown already has too many “part time” uses and needs more permanent residential uses. By part time uses I mean offices, hotels, suites, businesses...A Hotel will only add traffic, noise, and people with no ties to the community.
- I welcome new development downtown, but it needs to have ample parking for residents and should have some visitor parking. It also needs to include more amenities like hardware stores, some big box stores like maybe Best Buy and Homesense and a small Walmart. We need movie theaters, and restaurants that don't close at 6pm. Until these changes are made downtown Ottawa is not an attractive place to live, and this new development is devaluing my property
- We continue to be concerned about the lack of genuine greenspace for the development. As we've articulated in previous submissions, the planned 'parkette' is quite small with limited actual greenspace beyond a few concrete planters. We need to keep in mind that, given the level of intensification planned for the area, appropriate amenities, in particular parks, are needed to ensure a liveable neighbourhood for a growing population. It is also worth noting that the new Official Plan for the City will set a target of 40% for urban tree canopy cover and we think that the greenspace contained within this development should be reflective of this intent.
- Given the size of the development and the fact that it will be completed in phases, we believe there is an opportunity for a temporary park on site that could provide much needed greenspace for the growing number of residents in the area.
- [We are] interested in this development's contribution to affordable housing. Will Affordable Housing units be part of this project? And if so, what percentage? As you're aware the City declared in 2020 that we had a Housing and Homeless Emergency, and this development would present an opportunity to alleviate some of those pressures.

- Ongoing enthusiasm for a grocery store to be included as part of the commercial/retail space on the first two floors of the development. Our community would also be keen on the inclusion of a hardware store, a pharmacy and a post office pick-up/drop-off in this space.
- Centretown would be much better served with a park developed on the current vacant lot. There are definitely not enough parks or playgrounds in this already very densely populated area, so adding another three residential/commercial towers does not seem like the best use of the vacant lot.

**Response:**

As noted in the staff report, adding Hotel as a permitted use is consistent with the Official Plan and the Central Area Secondary Plan. The development concept provides for a wide variety of non-residential uses to support local residents, including the possibility of a grocery store. Through the corresponding Site Plan application(s), the development of this site will result in new street trees, as well as landscaping within the mid-block pathway and new City-owned park at the corner of Albert and Lyon. The site is currently void of any such landscaping and development of the property will yield in a significant increase of landscaping.

The development will include some affordable housing contributions as a result of the land acquisition of 156 and 160 Lyon (previously City-owned), but otherwise affordable housing is not a requirement of this development.

**Environmental**

- From an environmental standpoint, we would hope that the new development including the hotel will be constructed to LEED standards. This should include compost bins and garbage recycling as well as charging stations for electric vehicles in any parking facilities.

**Response:**

These details have not yet been determined but will be discussed with the applicant during the review of the Site Plan application(s).

### **Accessibility**

- From a safety perspective, our residents are concerned about accessibility. We want to emphasize the importance of adequate setbacks for the entirety of this development and level sidewalks, instead of ramp sidewalks, which can pose challenges for those with mobility issues.

#### **Response:**

Staff have no concerns regarding accessibility. Given the review to date and active Site Plan application, the development demonstrates that the proposed building is accessible, including common entrances, corridors, and amenity areas. The exterior portions of the site and public realm will be built with City standard sidewalks and private approaches, including Tactile Walking Surface Indicators at intersections and entrances.

### **Construction**

- This area has been subject to a barrage of construction projects in the last five years, which come with all the noise and cement dust, which creates a multitude of health effects for the residents, including respiratory issues and mental health issues related to the constant noise. To aggravate things, the current order of the province supersedes the City of Ottawa noise guidelines (e.g. construction projects allowed to run between 6 am and 10 pm 7 days a week), which basically means no respite from the noise and dust for most of the waking hours.

#### **Response:**

Staff appreciate the inconvenience of living near active construction projects, but all activities shall be in accordance with City-issued building permits and are subject to various regulations such as the Noise By-law. The consideration of construction noise impacts are beyond the purview of a Zoning By-law Amendment application.

### **COMMUNITY ORGANIZATION COMMENTS AND RESPONSES**

At the time of writing this report, no comments were received from a registered community group.