

8. Zoning By-law Amendment – 170 Lees Avenue

Modification du règlement de zonage – 170, avenue Lees

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 170 Lees Avenue to permit ‘a parking garage, limited to the long-term storage of vehicles’, on the P3 underground parking level of the existing building, as detailed in Document 2.

Recommandations du Comité

Que le Conseil approuve une modification du Règlement de zonage 2008-250 visant le 170, avenue Lees, afin de permettre la présence d'un « garage de stationnement limité à l'entreposage à long terme de véhicules » au niveau P3 de l'aire de stationnement souterraine de l'immeuble existant, comme l'expose en détail le document 2.

Documentation/Documentation

1. Report from the Acting Director, Planning Services, Planning, Real Estate and Economic Development Department, dated February 25, 2022 (ACS2022-PIE-PS-0025)

Rapport de la Directrice par intérim, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique, daté le 25 février 2022 (ACS2022-PIE-PS-0025)

Subject: Zoning By-law Amendment - 170 Lees Avenue

File Number: ACS2022-PIE-PS-0025

Report to Planning Committee on 10 March 2022

and Council 30 March 2022

**Submitted on February 25, 2022 by Lily Xu, Acting Director, Planning, Real Estate
and Economic Development**

Contact Person: Kimberley Baldwin, Planner II, Development Review Central

613-580-2424, 23032, Kimberley.Baldwin@ottawa.ca

Ward: Capital (17)

Objet : Modification du règlement de zonage – 170, avenue Lees

Dossier : ACS2022-PIE-PS-0025

Rapport au Comité de l'urbanisme

le 10 mars 2022

et au Conseil le 30 mars 2022

**Soumis le 25 février 2022 par Lily Xu, Directrice par intérim, Direction générale de
la planification, des biens immobiliers et du développement économique**

**Personne ressource : Kimberley Baldwin, Urbaniste II, Examen des demandes
d'aménagement centrale**

613-580-2424, 23032, Kimberley.Baldwin@ottawa.ca

Quartier : Capitale (17)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 170 Lees Avenue to permit 'a parking garage, limited to the long-term storage of vehicles', on the P3 underground parking level of the existing building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of March 30, 2022," 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 visant le 170, avenue Lees, afin de permettre la présence d'un « garage de stationnement limité à l'entreposage à long terme de véhicules » au niveau P3 de l'aire de stationnement souterraine de l'immeuble existant, comme l'expose en détail 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 30 mars 2022 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of the Zoning By-law amendment application for 170 Lees Avenue to permit 'a parking garage, limited to the long-term storage of vehicles' as an additional land use permitted on the P3 underground parking level of the existing building.

The proposal aligns with applicable Official Plan and Secondary Plan policies for this site.

The following policies support this application:

- Mixed-Use Centre policies in Section 3.6.2 of the Current Official Plan permit a broad variety of land uses at transit-supportive densities. The subject site is currently occupied by a mixed-use, high-density development. The nature of the proposed use does not compete with the goals and objectives of supporting density near major transit networks.
- Urban Design and Compatibility policies in Section 2.5.1 and in Section 4.11 supports growth to occur and evolve over time while respecting the character of existing areas. The proposed use will not prevent the site from further evolving over time and will not impact the character of the surrounding neighbourhood.
- Section 5.1.1 of the New Official Plan provides direction to maintain and enhance an urban pattern of built form and mix of uses in Downtown Core. Section 5.1.2 of the New Plan also provides policies for prioritizing walking, cycling and transit within, to and from, the Downtown Core. The specific nature of the proposed use does not compete with the goals and objectives for the Downtown Core.
- Policies in Section 10.3.7 of the Old Ottawa East Secondary Plan supports mixed-use development at the Lees Avenue Transit station. The existing building contains a mix of uses, including residential and commercial uses, near this transit station.

RÉSUMÉ

Recommandation du personnel

Le personnel chargé d'urbanisme recommande l'approbation de la demande de modification du Règlement de zonage visant le 170, avenue Lees, afin de permettre la présence d'un « garage de stationnement limité à l'entreposage à long terme de véhicules » en tant qu'utilisation du sol supplémentaire au niveau P3 de l'aire de stationnement souterraine de l'immeuble existant.

Le projet est conforme aux politiques pertinentes du Plan officiel et du Plan secondaire associé à l'emplacement.

Les politiques suivantes justifient cette demande :

- Les politiques de la désignation de Centre d'utilisations polyvalentes de la section 3.6.2 du Plan officiel actuel permettent toute une gamme d'utilisations du sol correspondant à des densités favorables au transport en commun. L'emplacement visé est actuellement occupé par un aménagement polyvalent de densité élevée. La nature de l'utilisation proposée n'est pas contraire aux objectifs de favoriser la densité à proximité des principaux réseaux de transport en commun.
- Les politiques d'esthétique urbaine et de compatibilité des sections 2.5.1 et 4.11 soutiennent la croissance au fil du temps, tout en respectant le caractère des secteurs existants. L'utilisation proposée n'empêchera pas l'évolution de l'emplacement et n'aura aucune incidence sur le caractère du secteur avoisinant.
- La section 5.1.1 du nouveau Plan officiel fournit des orientations de maintien et de mise en valeur d'un modèle urbain de la forme bâtie, et de diversité des utilisations au centre-ville. La section 5.1.2 dudit plan fournit en outre des politiques de priorité à la marche, au vélo et au transport en commun en direction et en provenance du centre-ville, et au sein de ce secteur. La nature spécifique de l'utilisation proposée n'est pas contraire aux objectifs fixés pour le centre-ville.
- Les politiques de la section 10.3.7 de l'ancien Plan secondaire du Vieil Ottawa-Est soutiennent les aménagements polyvalents à la station de transport en commun de l'avenue Lees. Le bâtiment existant abrite diverses utilisations,

notamment résidentielles et commerciales, et se trouve à proximité de cette station de transport en commun.

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

170 Lees Avenue

Owner

Hama Investments Limited

Applicant

Stantec Consulting c/o Barrett Wagar

170 Lees Avenue

Description of site and surroundings

The subject site is located on the south side of Lees Avenue, in the Old Ottawa East neighbourhood.

North of the site, across Lees Avenue, is a bus stop and an eastbound on-ramp for Highway 417. Nearby properties to the north and east are occupied by high-rise buildings. Approximately 100 metres northeast, is the Lees Light Rail Transit Station and the Lees Campus of the University of Ottawa. Abutting the site to the south, is the Rideau River Trail followed by the Rideau River. To the west, is a community garden and large City-owned open space and Springhurst Park which extends to Brunswick Street. There is also a cycling route which begins immediately west of the site, along Lees Avenue.

The site is occupied by a high-rise mixed-use building, containing commercial uses at grade and residential units above. The building contains a total of 429 dwelling units and a multi-unit commercial strip fronting Lees Avenue. There are 405 vehicular parking

spaces on site, distributed across a surface parking lot and three levels of underground parking. P3, the lowest underground parking level, contains 132 parking spaces. Access to the three levels of garage parking (P1 to P3) is provided from a driveway along the east of the site which leads to garage doors, with security provided by a fob system.

Summary of requested Zoning By-law amendment proposal

The subject site is zoned R5C[871] H(75) – Residential Fifth Density Zone, Subzone C, Exception 871. The proposed Zoning By-law Amendment seeks to introduce a site-specific urban exception and add 'parking garage, limited to the long-term storage of vehicles' as a permitted land use on the P3 underground parking level of the existing building.

Brief History of Proposal

The owner has indicated that the proposed 'parking garage, limited to the long-term storage of vehicles' has operated on the subject site for approximately 20 years. Through the recent process of renovating and updating certain aspects of the building, City of Ottawa Building Code Services identified the long-term parking use on the P3 underground parking level as a non-compliant use with zoning and issued a Notice of Violation. The applicant seeks to regularize the use so that it may continue in a lawful manner permitted under Zoning By-law 2008-250.

DISCUSSION

Public consultation

This application was subject to public circulation under the Public Notification and Consultation Policy. There were no public comments received on this application.

Official Plan designation(s)

Applications must be evaluated against the existing Official Plan and must also include an evaluation of the application against the Council approved new Official Plan (and new Secondary Plan, where applicable).

In this current period, between Council approval of the New OP and the Minister's approval of the New OP, staff are to apply whichever provision, as between the Current and New OP, is more restrictive.

Existing Official Plan

The site is designated Mixed Use Centre on Schedule B of the existing Official Plan. Policies for Mixed-Use Centres are found in Section 3.6.2 of the Plan. Mixed Use Centres permit a broad variety of land uses at transit-supportive densities, such as retail uses, services and mid- to high-density residential uses. Mixed-Use Centres will optimize the use of land through zoning provisions that require housing as part of a larger mix of uses and permit a mix of uses within a building or in an adjacent building. The outdoor storage, sale or service of goods are not permitted within 800 metres walking distance of a rapid transit station. All development applications for Mixed-Use Centres will be evaluated in the context of the Urban Design and Compatibility policies found in Section 2.5.1 and in Section 4.11 of the plan. The intent of these objectives and policies is to ensure that areas targeted for growth evolve over time while respecting the character of existing areas.

New Official Plan

The site is situated in the 'Downtown Core Transect Area' in Schedule A of the New Official Plan. The Downtown Core is the historic, geographical, physical, cultural, symbolic and employment hub of the National Capital Region. Section 5.1.1 of the Plan contains policies to maintain and enhance an urban pattern of built form, site design and mix of uses in this area. Section 5.1.2 of the Plan provides policies for prioritizing walking, cycling and transit within, to and from, the Downtown Core. New automobile-oriented land uses, and development forms, including but not limited to: automobile service stations; automobile dealerships; drive-through facilities; surface parking lots; and mini-storage warehouses except as an ancillary use to a major residential development; shall be prohibited in the Downtown Core. Convenience and safety for pedestrians, cyclists and transit users shall take priority over private motor vehicle access and movement in the Downtown Core.

On Schedule B1, the site is located within a Hub and along a Minor Corridor. Section 6.1.1 describes Hubs as defined areas that are adjacent to, or within a short walking distance of an identified rapid transit station or major frequent street transit stop. Section 5.1.4 provide specific direction for development in Hubs and Corridors, such as requiring a mix of uses and prioritizing transit, walking and cycling.

Current and New Old Ottawa East Secondary Plan

The site is designated Mixed Use Centre on Schedule A of the Old Ottawa East Secondary Plan, which serves to provide strategic planning direction to guide future growth and redevelopment lands within the Old Ottawa East community. Specific policies for the Mixed-Use Centre (MUC) precinct at the east end of Lees Avenue are described in Section 10.3.7 of this Secondary Plan. Those policies encourage mixed-use development at the Lees Avenue Transit station.

Planning rationale

Staff are supportive of the applicant's request to permit a 'parking garage, limited to the long-term storage of vehicles', restricted to the P3 underground parking level of the existing building. The existing building on site, was constructed in the 1970s when parking rate requirements in the Zoning By-law were higher than they are today. Overtime, tenant vehicle parking needs have trended downward because the site is now surrounded by major transit and active transportation networks and many of the buildings' residents no longer need to rely on a personal vehicle for their day-to-day needs. As noted in the applicant's planning rationale, it is conceivable the tenant demographic within the building has shifted to being primarily students who chose to live close to the University of Ottawa Lees Campus and primary campus. The P3 underground parking level, the lowest level, has historically been underutilized, as the tenants with vehicles prefer parking stalls on P1, P2, and the surface parking, where access is more convenient.

The proposal generally conforms to the Mixed-Use Centre policies within the current Official Plan, as well as the Old Ottawa East Secondary Plan, by maintaining a high-density, mixed-use building near the Lees Avenue Transit Station. The 'parking garage, limited to the long-term storage of vehicles' will be confined to the P3 level, entirely within the existing building. All the existing outdoor surface parking on site will be for tenant use only. The nature of the proposed use ensures it does not compete with or offend the goals and objectives relating to active and public transportation, as the use will not serve daily commuters. The intent is for this space to be rented by non-tenants, such as snowbirds, who require long-term/seasonal storage of their vehicles. The proposed use will operate without any visual impact to the character of the existing area.

The proposal is also generally in keeping with the Downtown Core policies in the New Official Plan. The proposed use of level P3 will utilize an area that was previously designed for, and will continue to be used for, an automobile-oriented use. The proposed amendment makes use of and re-purposes parking spaces, historically required by the Zoning By-law, that are no longer needed for tenants of this existing building. General upkeep of the P3 level contributes to enhancing and maintaining an aging, mixed-use, high-density building, near major transit and active transportation networks. Since there will be no change to the exterior of the building, and no change to existing vehicular accesses on the site, planning staff do not anticipate any adverse impacts to the convenience and safety of pedestrian, cycling and transit users in and around the site.

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

The Ward Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- Economic Growth and Diversification

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0080) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to workload volumes.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning.

CONCLUSION

Staff are supportive of the applicant's request to permit a 'parking garage, limited to the long-term storage of vehicles', and restricted to the P3 level of the underground parking garage in the existing building. The proposed amendment will make use of and re-purpose unused tenant parking spaces, historically required by Zoning By-laws, into spaces for non-tenants, who require long-term/seasonal storage of their vehicles. The proposal generally conforms to applicable planning policies in the current Official Plan, the New Official Plan and in the Old Ottawa East Secondary Plan by enhancing and maintaining an aging, mixed-use high-density development close to a major transit and active transportation networks. The unique nature of the proposed use does not compete with the goals and objectives for transit-oriented development.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; 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.

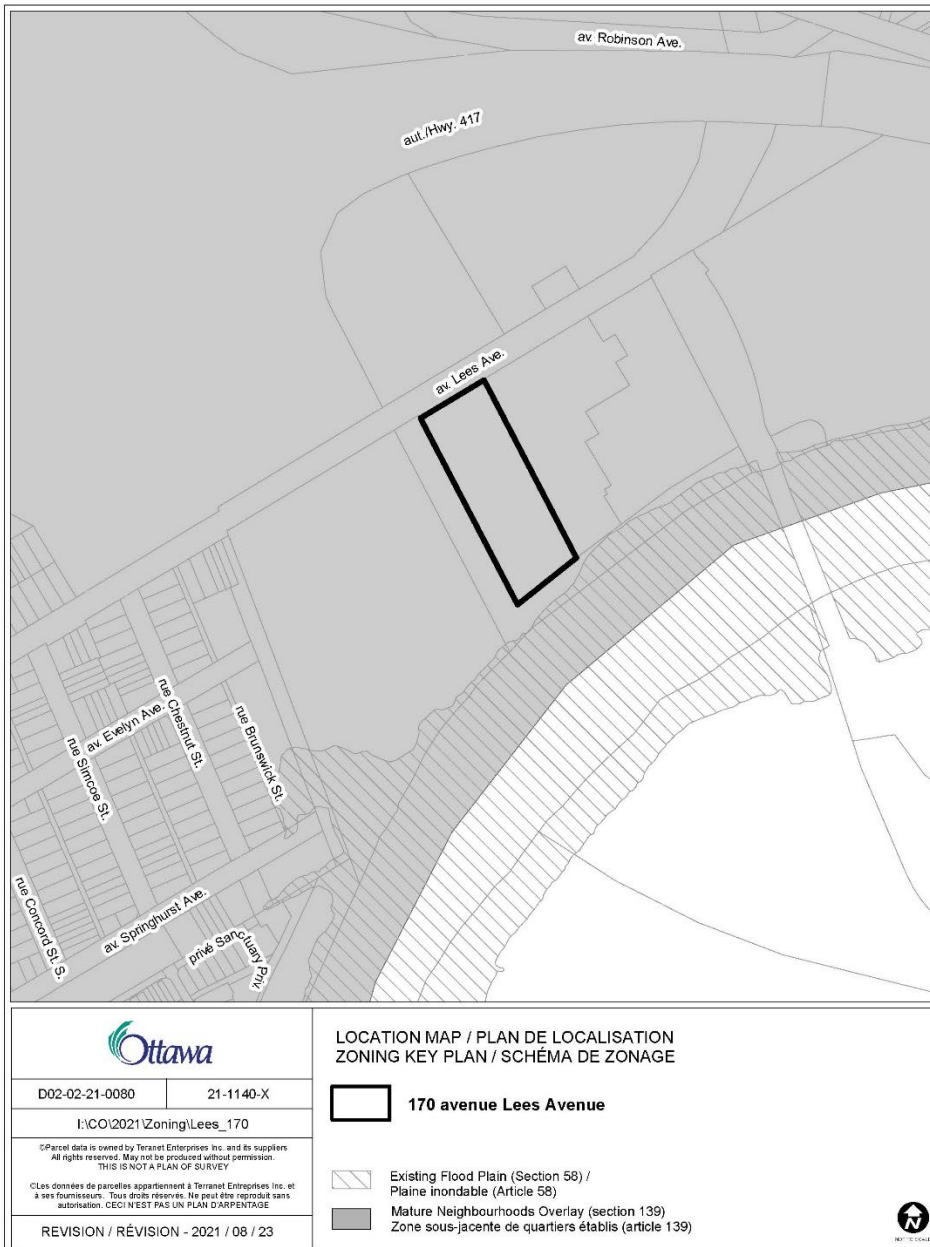
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

The site is located on the south side of Lees Avenue, approximately 100 metres southwest of the Lees Light Rail Transit Station.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 170 Lees Avenue:

1. Add a new exception [XXXX] to Section 239, Urban Exceptions with provisions similar to the effect as the following:
 - a. In Column II, Applicable Zones, add the text: R5C[871][XXXX] H(75)
 - b. In Column III, Exception Provisions - Additional land uses permitted, add the text: parking garage
 - c. In Column V, Exception Provisions – Provisions, add the text: ‘a parking garage is limited to the long-term storage of vehicles and is only permitted on the P3 level, the lowest level, of the underground parking garage of the existing building.’”