PLANNING RATIONALE REPORT FOR ZONING BY-LAW AMENDMENT APPLICATION

429 MACLAREN STREET CITY OF OTTAWA

PREPARED BY: P H ROBINSON CONSULTING NOVEMBER 2018

100 Palomino Drive, Ottawa, Ontario K2M 1N3

Phone: 613 599 9216

This report has been prepared on behalf of Paul Valletta and Bruno Racine owners of the property at 429 MacLaren Street of a Zoning By-law Amendment for the subject property. The legal description of the property is Part of Lot 33, North MacLaren Street, Registered Plan 15558, City of Ottawa (P.I.N 04119-0047). (See Survey Plan in Appendix section)

The property is located on the north side of MacLaren Street between Kent Street and Bank Street in the Centretown community (see Location Plan in Appendix Section).

Lands to the south, west and east consist of a mixture of primarily residential housing types with a number of properties on the south side of MacLaren Street in a similar residential zone containing professional office space and non-residential uses. To the immediate east of the subject property there is a 21 storey rental apartment building. To the immediate west of the subject property is a 4 storey office building. See Photos in the Appendix section showing the subject property and surrounding properties.

Properties along the south side of Somerset Street to the north of the subject property consist of multi-unit residential properties (townhouses, a 3 storey apartment building and vehicular access to the underground parking for the 21 storey building) and then closer to Bank Street there are ground level commercial uses, and

The property has 13.71 metres of frontage (45') on the north side of MacLaren and a depth of 33.51 metres (110') and an overall lot area of 459 m2 (4950 ft2).

The survey plan provides details on the location of the building on the property and other applicable surveying information.

The intent of the zoning by-law amendment application is to allow the entirety of the property to be used either for personal service business (hair salon, and related services such as nail salon and therapeutic massage) or professional office space or medical space as a building containing a residential apartment.

On June 4 2014, the City's Committee of Adjustment approved a Permission application for these lands (see Committee decision in Appendix section). At the time the property contained a 3 storey mixed-use building with a hair salon business and a residential apartment. The permission application was to permit an expansion of the building to allow for a 3 storey addition which would allow for an expansion of the hair salon business (The Loft) to also allow the hair salon to be located on the third floor of the original building (where the residential apartment was previously located). The basement was to be used for storage purposes.

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During the Permission application hearing, the applicants were asked about the heritage status and it was confirmed that the City's Heritage Staff had no objections to the expansion and it was confirmed that the exterior architectural features of the building would be maintained. The zoning by-law amendment application being filed at this time will not facilitate any building expansion or any external building modifications.

The application was approved by the Committee with no appeals filed and with support from the City Planning Department staff who provide comments to the Committee of Adjustment.

The intent is to retain the existing building at 429 MacLaren and to allow it to be used for a combination of professional office space, medical office space, personal service business or for residential apartments or to have the building to be used exclusively for one of these aforementioned uses.

The property owners who also run the hair salon business at this location have recently opened another location in the Westboro area of Ottawa and the full three floors of the hair salon business at the McLaren location are not required. The owners wish to reduce the size of the hair salon business and allow for professional office space or personal service business on parts of the 2nd and 3rd floor of the building. The exact ratio of each of these two kinds of uses has not been determined but the owners would want flexibility to ensure that the two floors could be occupied by appropriate tenants. It is intended that a hair salon use will remain at least on the ground floor level of the building.

As part of this zoning amendment application, in the front yard of the building it is intended to make some modifications to the paved area so that a car cannot park in the front yard of the building. Currently, there is a parking space at the front of the building that is partially on private property and partially on the City Right of Way. This parking space has been used for pick ups/deliveries for the salon business in the past. Plans being filed with this application and included in the Appendix section show that this front yard parking space has been removed and a landscaped area is being located in its place. As well, it is intended to provide a bike rack for up to 3 bicycles in the front yard of the building for the use of staff and visitors.

There will be one vehicular access point to the site which will be 2.76 m wide. This will lead directly to the rear yard parking for the building.

There are 5 parking spaces at the rear of the building. The parking requirements for the building are:

 Residential space does not require any parking for the 1st 12 residential units.

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- If the entire building was used for the Salon (which is calculated at 1.25 parking spaces per 100 m2 of salon space as a Personal Service Business), then it would have a Salon space = 305 m2 which results in a requirement of 3.81 parking spaces which would require 4 parking spaces to be provided.
- If the entire building was used for office uses (which is calculated at 1 parking space per 100 m2 of office space), then it would have an Office Space = 305 m2 which results in 3.05 parking spaces which would require 3 parking spaces to be provided.
- Total required parking = a maximum of 4 spaces based on the entire building be utilized for a use that requires the most parking per m2..

A background study addressing servicing capacity, the survey plan and a site plan showing some minor exterior modifications in the front yard and more details on the rear yard parking delineation are being filed as part of this Zoning By-law Amendment application.

Zoning

Under Zoning By-law 2008-250 the subject lands are zoned R4M [479] under By-law 2008-250, as amended. This is a zone which permits a low rise apartment dwelling building.

However, a Permission application in 2014 allowed all 3 floors to be used for the existing hair salon business. This permission application was filed at the time of a proposed three storey addition at the rear of the original building construction.

Through this zoning by-law amendment application the intent is to allow for flexibility in terms of the uses within the building that were initially the subject of the 2014 permission application.

It is important to note that the property immediately to the west (441 MacLaren) is a 4 storey office building which is also in an R4 zone and contains a legal office and a dental office amongst its tenants. The property immediately to the east (415 MacLaren) contains a 21 storey high rise building that is in excess of its permitted height limit within the R4M zone that it is located in.

Some of the properties on the south side of MacLaren which are located in an R4T zone contain both residential and professional office/medical space uses.

Official Plan Designation – City of Ottawa Official Plan

The site is designated General Urban Area in the Urban Policy Plan of the City of Ottawa Official Plan.

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This designation permits the 'development of a full range and choice of housing types to meet the needs of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses.

While the City is supportive of the establishment of a broad mix of uses in Ottawa's neighbourhoods, this is not meant to imply that all uses will be permitted everywhere within areas that are designated General Urban Area. The zoning by-law will continue to regulate the location, scale and type of land use in accordance with the provisions of this Plan. Within neighbourhoods, the zoning by-law will allow those uses that provide for the local, everyday needs of the residents, including shopping, schools, recreation and services. Subject to the policies below, the City supports infill development and other intensification within the General Urban Area in a manner that enhances and complements the desirable characteristics and ensures the long-term vitality of the many existing communities that make up the city.

Key policies within Section 3.6.1 of the Official Plan are listed below with a brief description in *italics* and <u>underlined</u> for their applicability for this property.

Policies

- 3.6.1.1 General Urban Area areas are designated on Schedule B. The General Urban Area designation permits many types and densities of housing, as well as employment, retail uses, service, industrial, cultural, leisure, greenspace, entertainment and institutional uses. [Amendment #150]. <u>The proposed uses would be employment, retail (hair salon) or residential (housing).</u>
- 2. 3.6.1.3 Building height in the General Urban Area will continue to be predominantly Low-Rise. Within this range, changes in building form, height and density will be evaluated based upon compatibility with the existing context and the planned function of the area. The existing and proposed building is 3 storeys in height and no additional building construction is proposed through this rezoning application.
- 3. The General Urban Area permits uses that may generate traffic, noise or other impacts that have the potential to create conflicts with the surrounding residential community. These types of uses are often large and serve or draw from broader areas. The City will ensure that anticipated impacts can be adequately mitigated or otherwise addressed. The existing hair salon business that is occupying all 3 storeys of the building has been in place for approximately 4 years and prior to that a smaller scale version of the hair salon business was located on the property with no reported conflicts with the surrounding residential community. The permission application to allow all 3 floors to be used for

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a hair salon was not opposed by the neighbours in 2014. This permission application also facilitated a 3 storey expansion at the rear of the property and this expansion was not opposed.

Key policies within the General Urban Area designation that are applicable to this zoning application are:

- 4.11.2.b) Vehicular access. The location and orientation of vehicle access and egress should address matters such as the impact of noise, headlight glare and loss of privacy on development adjacent or immediately opposite. The vehicular access to the site will be via an existing driveway on the east side of the lot adjacent to the 21 storey apartment building. Any headlight glare is minimized as the entrance to the property on the south side of the road is not immediately opposite the subject property and due to the existing opening hours of the main use (Hair Salon) there are limited times when full headlights would be on cars exiting the site. The salon is only open after 8 pm on a Thursday or Friday (8 pm and 8:30 closing) and is only open Tuesday- Saturday. In addition, any new uses such as professional office space or medical space would have similar hours of operation that would not have long periods of opening times that would require exiting cars to have their headlights on.
- 4.11.2.c) Parking requirements. The development should have adequate on-site parking to minimize the potential for spillover parking on adjacent areas. All parking for the building is provided in one rear yard parking area with one means of access directly from MacLaren Street. The parking being provided (5 spaces) exceeds the City parking requirements for the most stringent parking calculation of the proposed uses (residential, personal service business, or office uses) through the parking requirements found in the zoning by-law. The amount of parking being provided will minimize the potential for any spillover parking on adjacent areas. The property is in close proximity to a number of OC Transpo bus routes that bring the property to within close walking distance of existing bus routes.
- 4.11.2.g) Noise and Air Quality. The development should be located and designed to minimize the potential for significant adverse effects on adjacent sensitive uses. <u>The electrical/AC equipment is located at ground level on the west side of the property and is screened from the existing office building to the west through fencing and is located as far away as possible from the high rise apartment use to the east.
 </u>

In addition, the subject property is located within the Residential Mixed Use designation of the Centretown Secondary Plan. The north and south sides of MacLaren between Kent and Bank Street are in either the Residential Mixed Use designation or the Traditional Main Street designation.

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As per Section 3.9.4.1.3 of the Centretown Secondary Plan the Residential Mixed Use area has been 'historically occupied by houses and other low-rise housing forms that have been partially converted to commercial uses and to adjacent neighbouring properties where such conversions are Non-residential uses shall be restricted to small-scale appropriate. commercial uses such as personal services, medical facilities, offices and small-scale institutional uses, such as daycares. Uses such as restaurants, retail stores and retail food stores, more appropriately located on a Traditional of Secondary Mainstreet, will not be permitted, except within Landmark Buildings, as described in Policy 3.9.5.5. non-residential uses shall be restricted to the first two floors and the basement and shall not occupy more than 50 per cent of the gross floor area of the building, with the exception of those existing buildings containing legally established non-residential uses existing at the date of adoption of Official Plan Amendment 117. The expansion of legally established non-residential uses shall be subject to appropriate limits'.

Comment: The subject property has been a legal mixed use building since prior to the enactment of Official Plan Amendment 117 and has some limited residential uses and has been primarily used as a personal service business use which was expanded in 2014 through a Permission application that was approved by the City's Committee of Adjustment and supported by the City Planning Department. The zoning by-law amendment being applied for at this time would be to modify the building uses so that professional office space could also be included within the building in areas of the building that are currently used for the personal service business (The Loft Hair Salon). This proposed professional office space use would be similar to existing land uses on properties on the south side of MacLaren Street and would be compatible with adjacent office uses in the building to the west of the subject property and would not require any expansions of the building and would meet the by-law requirements in terms of on site parking.

The non-residential uses being contemplated would be in the personal services, medical and professional office space uses listed in this section of the Secondary Plan. Full scale retail, restaurants or food stores are <u>not</u> being proposed in this Zoning By-law Amendment application.

It is intended that through the approval of this zoning application that the size of the hair salon use will be reduced in size and the area that is no longer to be used for the hair salon business will be replaced by

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professional office space/medical space of which the owners have received serious interest from prospective tenants. As indicated previously in this report, the owners have opened up another salon in the Westboro area and as a result, they don't require the floor area that the current salon has occupied.

It should also be noted that the Permission application that was applied for and approved in 2014 allowed for the entirety of the original building (3 storeys) and the expansion at the rear (3 storeys) to be used for the hair salon business (personal service business). The requested rezoning application being filed at this time, would allow for the continuation of the personal service business that was outlined in that permission application but would also allow for some professional office space/medical space uses within the existing building.

Similar personal office uses and medical/clinic uses exist on some properties opposite the subject property on the south side of MacLaren in an R4 zone.

It is anticipated that the introduction of some new uses on the property while still allowing for residential uses to be included if tenants request a residential uses would not have an undue impact on the property and surrounding properties. It is important to note that the lands to the east comprise of a 21 storey residential apartment building, the lands to the west contain a 4 storey office building, lands to the north contain townhouses, low rise apartment units and the parking access for the aforementioned high rise apartment building. The subject property is the only building fronting onto the north side of MacLaren Street between Bank Street and Kent Street that has a low rise residential appearance. The other properties on this block on the north side are commercial, office or high rise residential in nature. The overall appearance of the subject property remains as that of a residential property with significant landscaping in the front yard and the required parking at the rear of the property away from the street.

Conclusions

The rezoning application to allow some additional uses within the existing footprint of the building at 429 MacLaren while still allowing for the existing permitted uses to continue will not have an undue impact on surrounding lands and the neighbourhood in general and will allow for future tenant flexibility on a

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property which has previously received Committee of Adjustment approval for similar uses that are not residential in nature through a Permission Application that was not subject to any appeals and was supported by Planning Department staff.

It is being proposed at an appropriate scale and will be compatible with surrounding land uses and will not cause undue impact on the adjacent lands.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned.

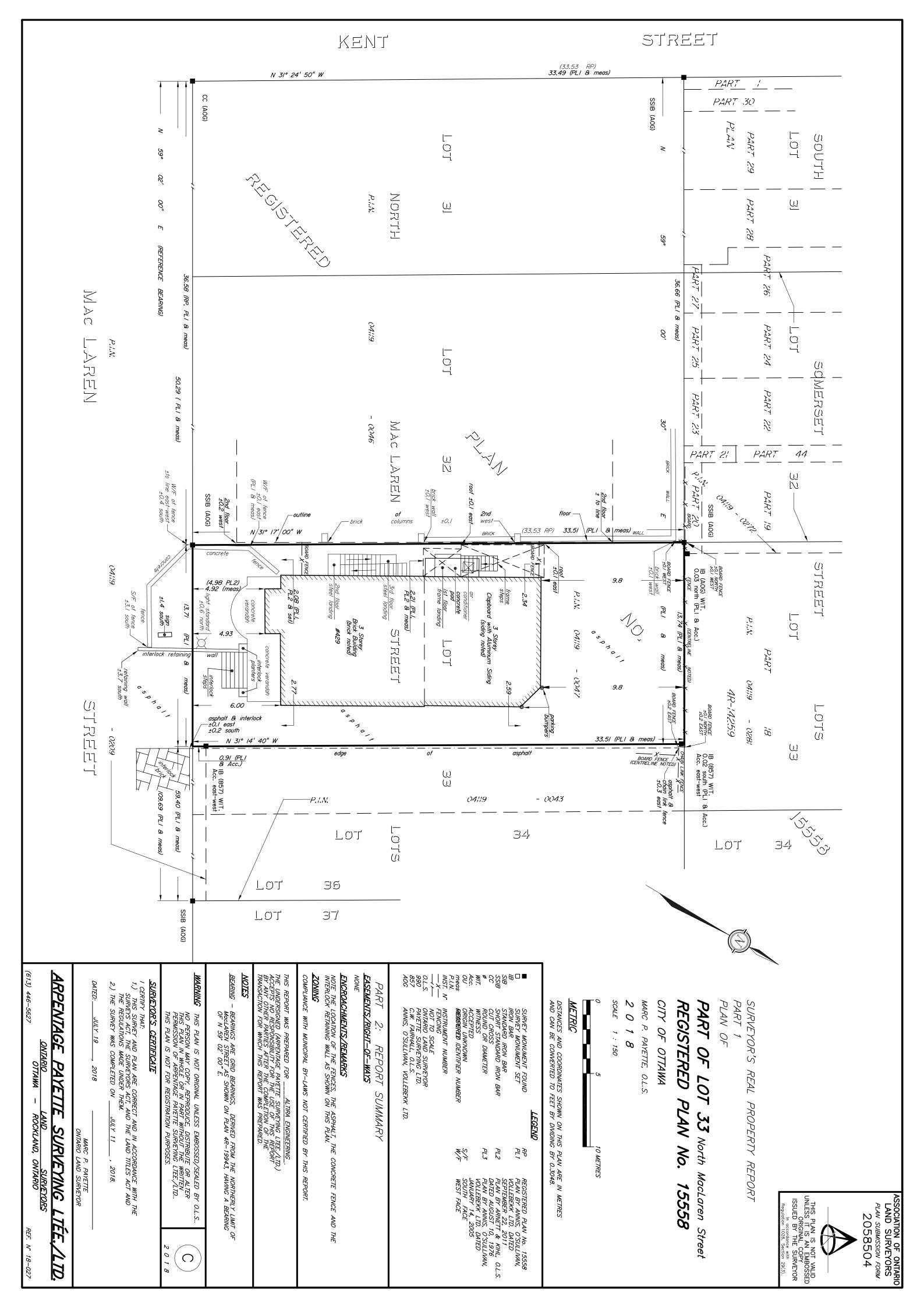
P H Robinson Consulting

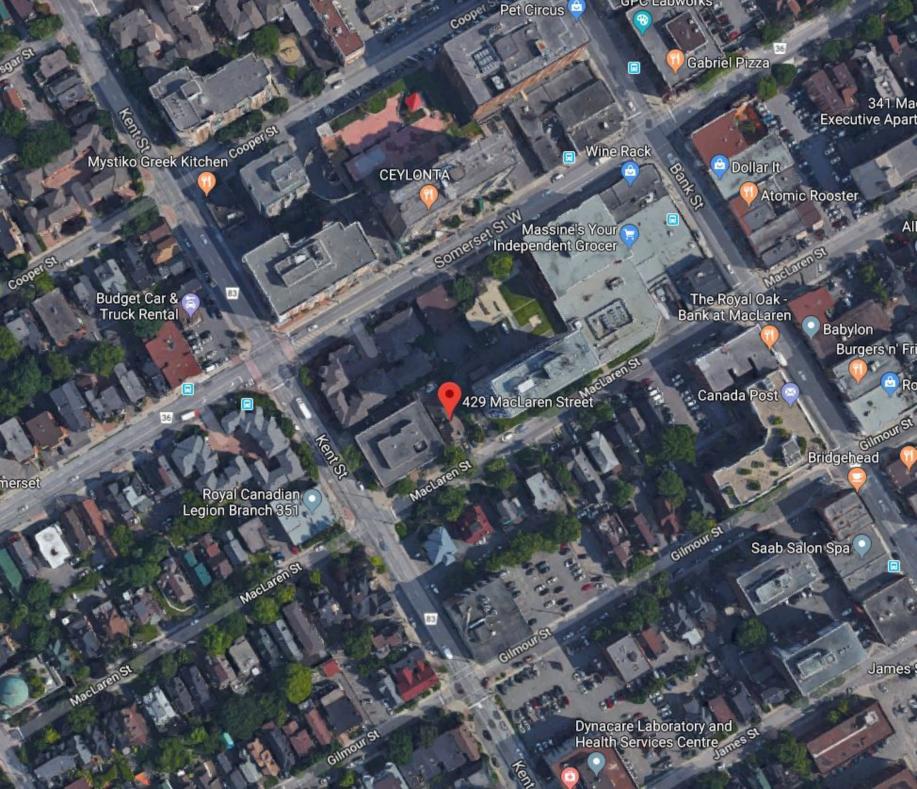
Paul Robinson RPP

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429 MacLaren Planning Rationale Appendix

- Survey plan
- Location plan showing subject property in relation to surrounding area
- Site photos of subject property and surrounding properties
- 2014 Committee of Adjustment Permission application decision
- Site plan showing existing building, parking location and proposed front yard modifications.









Existing front views of 429 MacLaren



Office building to the west of subject property on left hand side of photo. Subject property in centre with high rise apartment building to the east of subject property on right hand side of photo.



Property at 436 MacLaren on the south side of MacLaren opposite subject property containing a mixture of office space and medical space uses. This property is also in an R4 zone.



Existing rear yard parking on subject property. Townhouse development to the rear.



Driveway between rear yard parking and MacLaren Street. Driveway access for 21 storey high rise residential apartment building to the east of the subject property on the left hand side of the photo.



COMMITTEE OF ADJUSTMENT FOR THE CITY OF OTTAWA

COMITÉ DE DÉROGATION POUR LA VILLE D'OTTAWA

DECISION/DÉCISION MINOR VARIANCE/PERMISSION DEMANDE DE DÉROGATIONS MINEURES/PERMISSION

(Section 45 of the *Planning Act*)
(Article 45 de la *Loi sur l'aménagement du territoire*)

File No./Dossier nº: D08-02-14/A-00161

Owner(s)/Propriétaire(s): Paul Valletta and Bruno Racine

Location/Emplacement: 429 MacLaren Street

Ward/Quartier: 14 - Somerset

Legal Description/ Lot 33 Reg. Plan 15558

Description officielle:

Zoning/Zonage: R4M [479] **Zoning By-law/ Règlement:** 2008-250

Notice was given and a Public Hearing was held on <u>June 4, 2014</u>, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owners of the 3-storey mixed-use building containing a hair salon business "The Loft/Le Spa" on the first and second floor together with a dwelling unit on the third floor, want to replace the 2-storey rear addition by constructing a 3-storey, 9.11 metre by 7.8 metre addition. It is also proposed to expand the hair salon business to the entire third floor of the building, with the basement to be used for storage purposes only, all as shown on plans filed with the Committee.

RELIEF REQUIRED/DISPENSE REQUISE:

In order to proceed, the Owners require the Permission of the Committee. The current use of the building as a hair salon, would appear to be a legal non-conforming use in the residential zone and therefore, permission is requested to add extend a legal non-conforming use.

THE APPLICATION indicates that the Property is not the subject of any other current application under the *Planning Act*.

File No./Dossier no: D08-02-14/A-00161

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. L. Camm who appeared as Agent, along with Mr. P. Valletta. Mr. Jean-Charles Renaud of the City's Planning and Growth Management Department was also in attendance. In response to a question from the Committee, Mr. Camm confirmed that Heritage staff had no objections to the size of the addition and stated that the proposal would maintain the exterior architectural heritage features of the building.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and having reviewed the plans and correspondence on file, is satisfied that, in all the circumstances and in this instance, the permission requested is reasonable.

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Ontario Municipal Board, a letter, outlining the reasons for appeal, must be filed with the Secretary-Treasurer of the Committee of Adjustment by the 3rd day of July, 2014. The OMB has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. A cheque payable to the Ontario Minister of Finance must accompany the Notice of Appeal. If you have any questions about the appeal process, please contact the Committee of Adjustment office.

Only individuals, corporations and public bodies who have an interest in this matter may appeal this Decision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

