



MOMENTUM

PLANNING AND COMMUNICATIONS

PLANNING RATIONALE

ZONING APPLICATION FOR TEMPORARY USE BY-LAW

383 SLATER/400 ALBERT

June 2018

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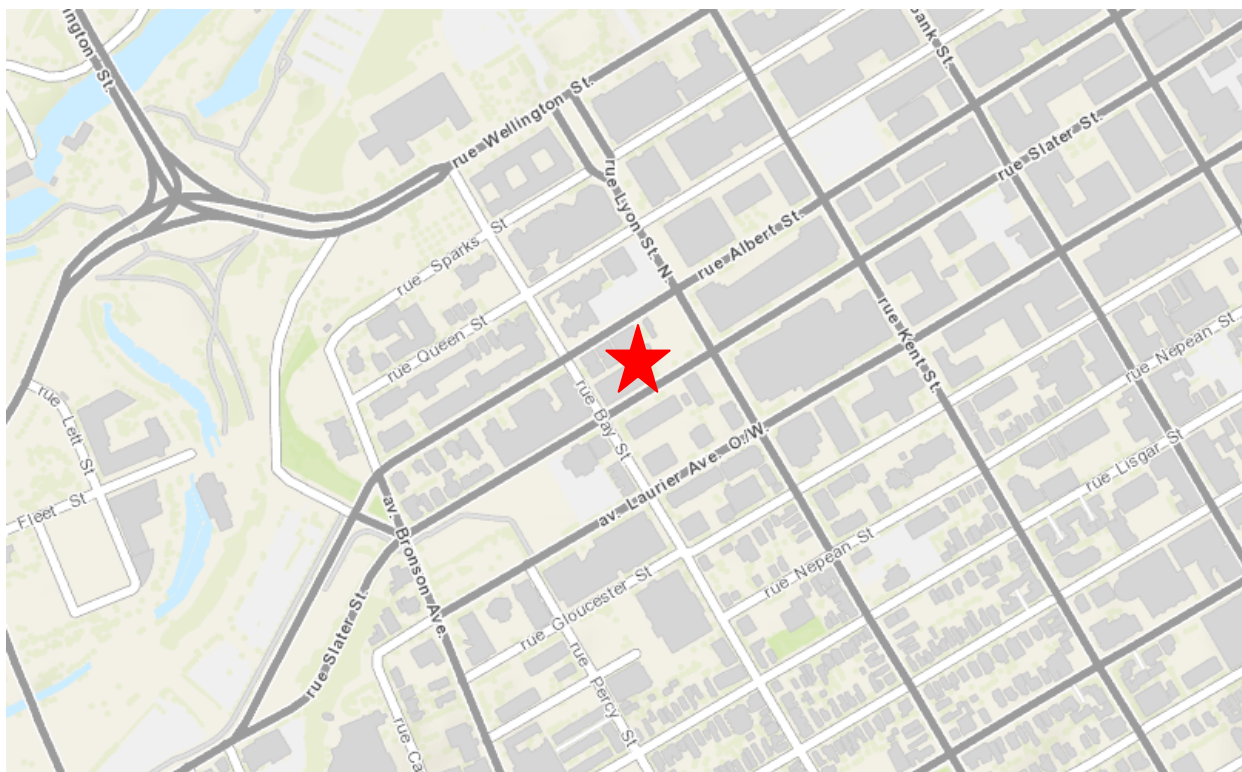
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1. Introduction

This Planning Rationale has been prepared to assess the land use planning merits of an application for rezoning to permit a surface parking for a temporary period up to three years pending redevelopment of this site which includes 400 Albert Street and 383 Slater Avenue.

2. Existing Context

The subject property known municipally as 400 Albert Street is located on the western edge of Ottawa's central area, which is a higher-density development area consisting of a broad range of uses including commercial and business-oriented uses and residential uses. It is bounded by Albert Street to the north, Slater Street to the south, Bay Street to the west and Lyon Street to the east.



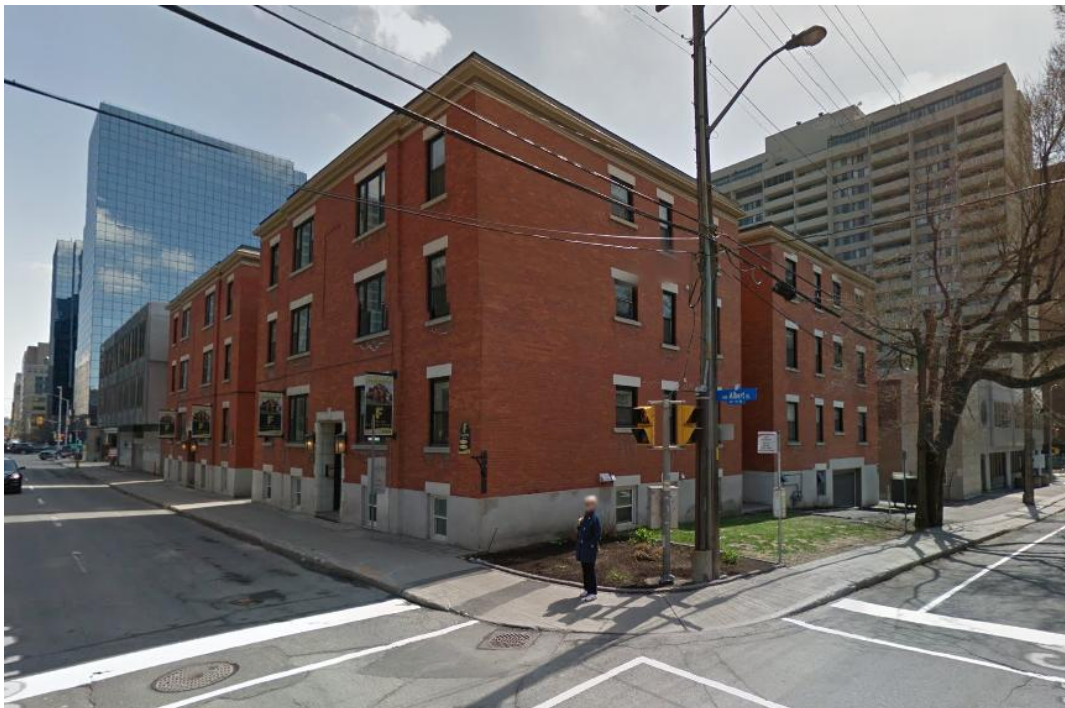
The site is 4,920 square metres (1.2 acres) in area, and generally has a 'T' shape. The majority of the property has a depth of approximately 30 metres, while the central portion of the site has a depth of approximately 60 metres. The site has frontage of approximately 40 metres on Albert, and is also a corner lot with frontage on Slater and Bay (30 metre frontage on Bay) as well as Slater and Lyon (30 metre frontage on Lyon). The property spans the entire block along Slater Street (122 metres) between Bay and Lyon.

The site is currently vacant and being used on an interim basis as a surface parking lot based on existing non-conforming use rights. Prior to the recent demolition, the site was occupied by Alterna Savings, a financial services provider in a grouping of linked buildings ranging from two to three storeys in height and with both surface and covered parking areas.



The following images (Source: Google Street-view and City of Ottawa eMaps) provide a visual description of the adjacent lands:

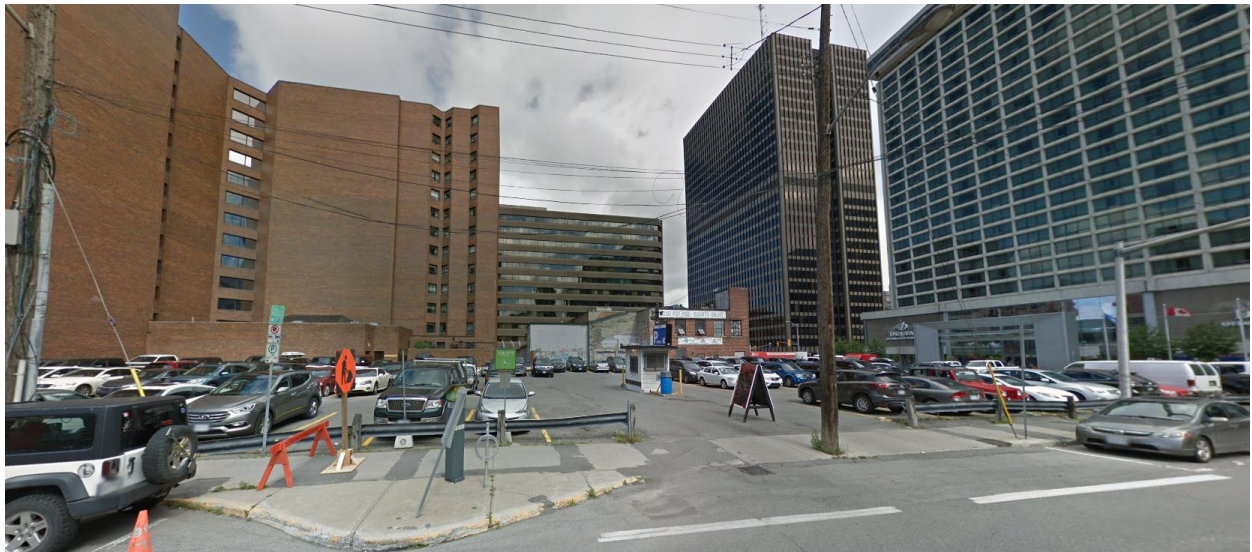
On the north-west corner of the subject block (Albert/Bay), there are two, three-storey apartment buildings fronting onto Albert Street.



On the north-east corner of the subject block (Albert/Lyon), there is a municipal parking lot with a 2.5 storey residential building converted to a restaurant use immediately west and adjacent to the lot.



Directly across Albert Street there is a block containing a large commercial parking lot undergoing redevelopment for a high rise building and the new LRT station and a 13-storey high-rise apartment building covering most of the west end of the block (51 Bay – 'Park Square' condominium building) consisting of 140 units. A small two-storey commercial building housing three restaurant/bar tenants, is immediately east of the condominium fronting on Queen Street.



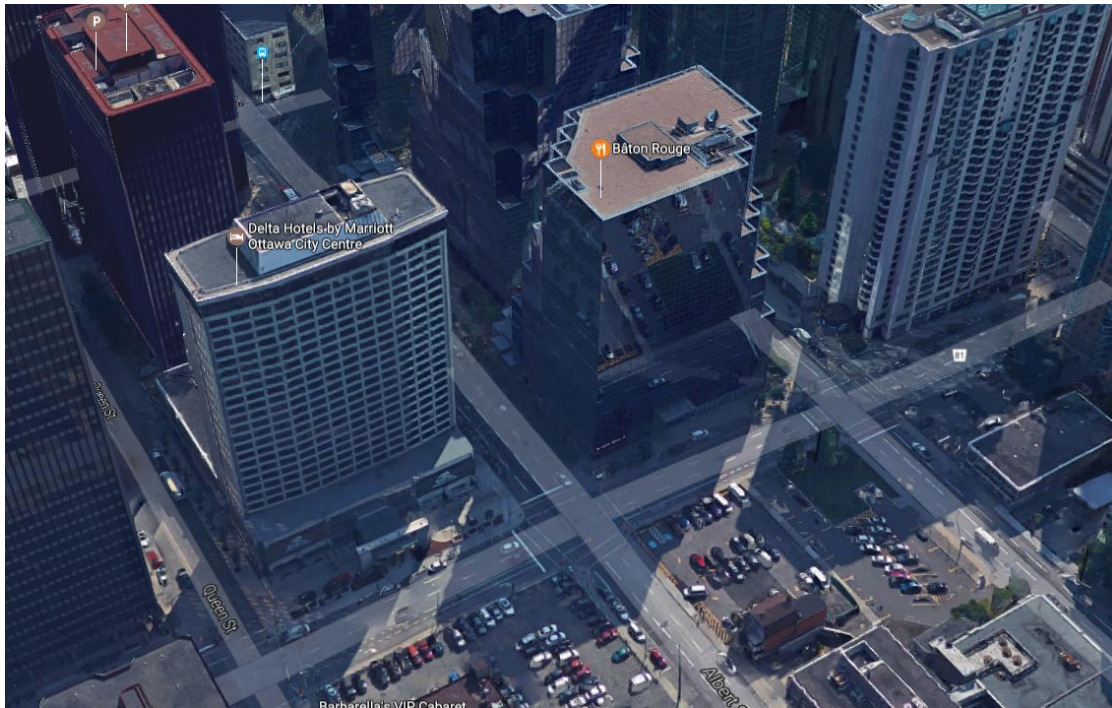
At the north-west corner of Albert and Bay is the Albert at Bay Suites Hotel, a 10-storey high building, with an associated restaurant at-grade. A Radisson Hotel is immediately north on Bay/Queen and also has a restaurant at grade.



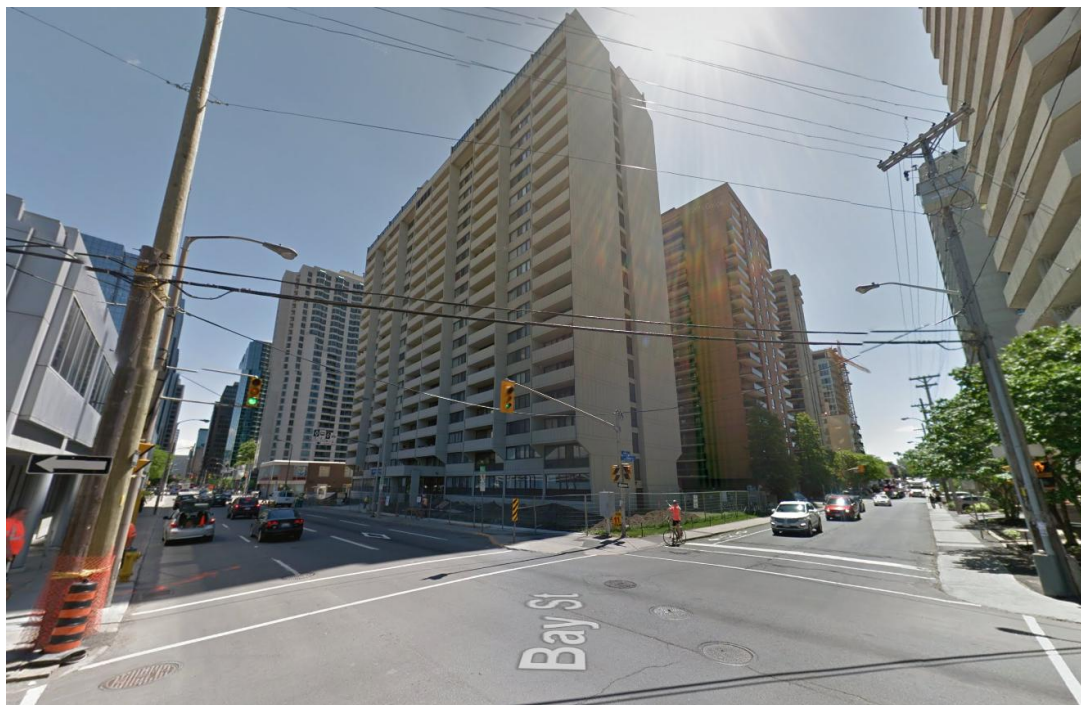
Immediately west (and across the street from the Albert/Bay Hotel) is the Ottawa Technical High School, a large facility ranging in height from two-to-four storeys comprised of approximately one hectare (2.7 acres) of campus space. The Ottawa Tech High School fronts on Albert, Bay and Slater, and is used as an educational facility. It also houses offices, special events, and storage. Further west of this are primarily low-rise residential buildings (single family and semi-detached dwellings).



East of Lyon Street, is an 18 storey office building (Constitution Square) along with a twenty + storey Delta Hotel and other high rise mixed use buildings in the 25 + storey height range.



Immediately south across Slater Street is a 21-storey apartment building at the corner of Bay and Slater. Further east is the entrance to an underground public parking garage and then a two-storey medical facility. At the south-west corner of Albert/Lyon is a parking lot associated with the clinic.





3. Background to Temporary Use Proposal

The subject property was acquired in 2016 and incorporates the site of an earlier development proposal at 383 Slater Street (NE corner of Bay/Slater). This project at 383 Slater was approved for a 27 storey building by Broccolini and was rezoned in November 2015. However beyond some conceptual plans for the balance of the site, the focus of that approval was only for the one building. The proposal for 383 Slater was at the draft approval stage for Site Plan Control (File D07-12-15-0145) when abandoned by Broccolini.

In the fall of 2016, the current owners filed an application to demolish the existing buildings on the site in preparation for redevelopment. Following demolition, the owners contacted the operator of the parking lots previously on the site and an agreement was entered to operate a temporary parking lot pending approval of an overall redevelopment. A license to operate the parking lot was obtained from the City of Ottawa. The site was graded and covered with gravel to create a parking surface for approximately 120 cars and metered parking equipment was installed to support the operation of the lot.

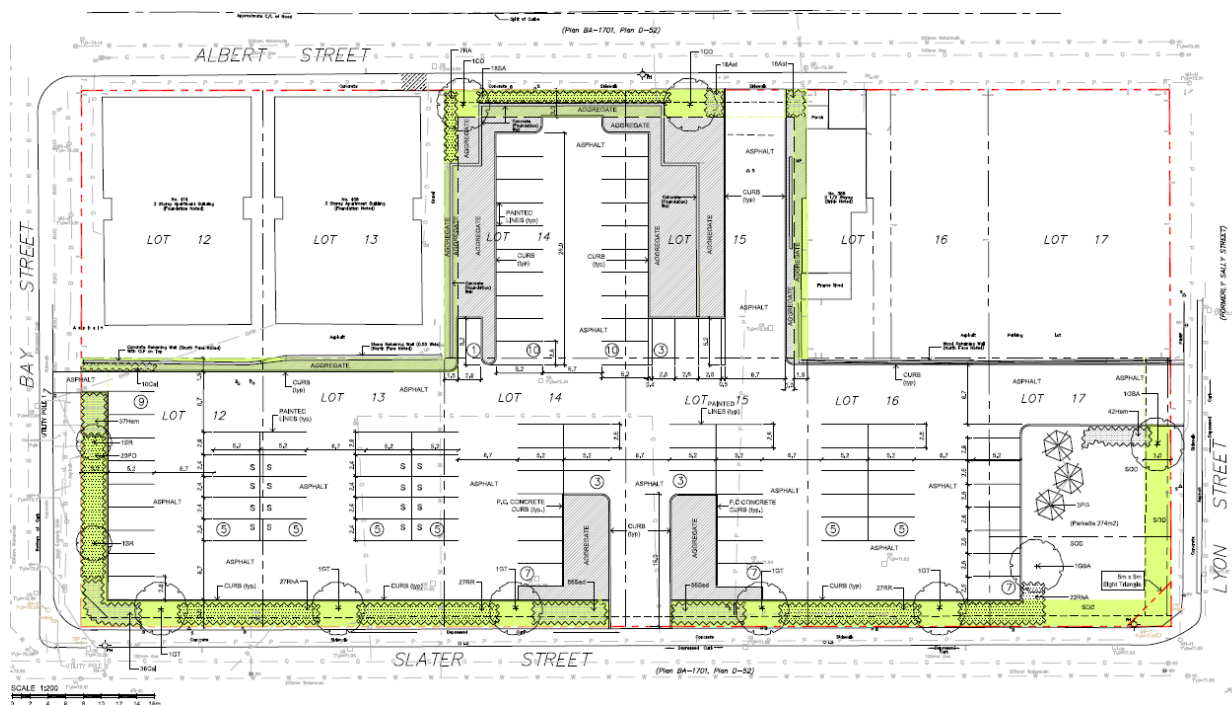
In December, 2016, the owner was advised that a surface parking lot was not a permitted use on the site although it was acknowledged there were existing non-conforming land use rights for a limited number of spaces. The owner was further advised that to continue the temporary parking lot would require the following:

- Formally establish legal non-conforming land use rights for a surface parking lot by application to the City.
- Once the number of legally non-conforming spaces was established then an application to the Committee of Adjustment to expand that number to the proposed number of spaces would be required.

- In parallel, an application for site plan control would be necessary to bring the parking lot up to by-law design standards including paving, landscaping and storm water management services.

In response, the background work for an application to establish legal non-conforming use rights was initiated and this was filed in June 2017 (D02-03-17-002). The research into the history of parking use on the site demonstrated that approximately 64 spaces were in use prior to the adoption of By-law 2015-342 in November 2015. These spaces were divided between a covered area accessed from Slater Street (30 spaces) and an open lot at the corner of Lyon and Slater (34 spaces). The application was approved on September 21, 2017 but did not specify the number of permitted spaces.

Based on this approval, a site plan control application for an expanded surface parking lot was prepared and submitted in December 2017 (D07-12-17-0164). This application originally proposed a lot containing 88 spaces but through the review process, the layout was modified in response to comments which resulted in a lot containing 90 spaces as shown below.



In January 2018, the owners were advised that an application to the Committee of Adjustment to expand the legal non-conforming use was not the appropriate approval process and that an application for a temporary use by-law would be required. This Rationale was initiated to review of this temporary use by-law.

Concurrently with the process related to the surface parking lot, pre-consultation was underway on the overall re-development of the subject property. This culminated in applications for rezoning (D02-02-17-0053) and site plan control (D07-12-17-0069) being filed on June 1, 2017 for a multi-building complex composed of three towers – a 10 storey building fronting on Albert Street (Building A); a 27 storey building at the intersection of Bay and Slater and fronting on Slater (Building B); and a 27 storey building

at the intersection of Slater and Lyon and fronting on Lyon (Building C). All three buildings were to be served by a shared parking structure with a single access from Bay Street. These applications were deemed complete and circulation was initiated.



The applications were put on hold at the City of Ottawa's request in October 2017 as the City owned parcel at the corner of Albert and Lyon, currently used for surface parking, was declared surplus and put up for sale. Given the impact this parcel could have on the ultimate development of this block, from a planning perspective it was deemed prudent to temporarily hold these applications to see if this adjacent parcel could be acquired and combined with the subject site.

4. Policy Framework

Given the temporary nature of the requested by-law amendment this review of the policy framework has been limited in scope.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act came into effect as of April 30th, 2014. The PPS provides policy direction on matters of provincial interest related to land use planning. As such, decisions affecting planning matters shall be consistent with policy statements issued under the Act.

The proposed temporary use by-law addresses the following policies outlined in the Provincial Policy Statement:

- *Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Policy 1.1.1(a));*
- *Accommodating an appropriate range and mix of residential, employment (including industrial and commercial), institutional, recreation, park and open space, and other uses to meet long-term needs (Policy 1.1.1(b));*

- *Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1(e));*
- *Ensuring that settlement areas are the focus of growth and development, and promoting their vitality and regeneration (Policy 1.1.3.1);*
- *Efficiently using the infrastructure and public service facilities which are planned or available (Policy 1.1.3.2(a));*
- *Promoting long-term economic prosperity by optimizing the long-term availability and use of land, resources, infrastructure and public services facilities (Policy 1.7.1(a)); and*

The proposal is consistent with the PPS for the following reasons:

- Provides an interim use serving adjacent employment on a site which is centrally located in the downtown;
- Provides a temporary source of parking in the downtown core where off-street parking demand is high; and
- Provides a well designed and landscaped area that contributes both in function and layout to the surrounding area rather than sitting vacant and unusable.

4.2 CITY OF OTTAWA OFFICIAL PLAN

Section 2.3.1 – Transportation addresses the needs and demands of moving people in and around the City of Ottawa. While the focus of this section is on the movement of people and vehicles, it also addresses the needs for ensuring an adequate parking supply in key areas of the City. As recently as 2018, the Plan was amended to include the following reference:

“The Municipal Parking Management Strategy (2009) guides the provision and financial management of on-street parking and municipal off-street parking facilities. Through the Zoning Bylaw, the City also regulates the amount of on-site parking provided for vehicles and cyclists. [Amendment #150 April 27, 2018]”

This section includes a subsection entitled **Parking** which provides specific policies to guide the provision of off-street parking supply. One of the strategic objectives of this section states:

“To produce short-term parking that supports the needs of local businesses, residents, institutions and tourism destinations.”

The proposed temporary parking lot conforms to the policies of **Section 2.3.1** as it provides needed parking supply in an area where demand is high.

Section 3.6.6 Central Area provides land use policy direction for the subject site. Policies for the Central Area strive to maintain its role as physical and symbolic downtown core of the City, due to the convergence of a wide range of uses such as employment, government, retail, housing, entertainment

and cultural activities. A broad range of land uses is encouraged to support a 24/7 lifestyle of live, work and play. Parking, even provided on a temporary basis while awaiting construction of an underground parking structure, is very necessary to support the role of the downtown as an employment and services destination.

Policy 3.6.6.9 b) provides specific direction on the provision of temporary surface parking:

“Discouraging the provision of temporary surface parking lots on vacant sites, and requiring new temporary surface parking lots within the Central Area to obtain a rezoning to assess their impact on the pedestrian environment, particularly abutting pedestrian corridors or theme streets. Theme streets are predominantly linear shopping streets with associated additional land uses, a unique physical character and a unifying theme. Where temporary surface parking is permitted by a rezoning, the City will require that the visual appearance of such parking areas is enhanced and screened through the use of substantial vegetation, while ensuring adequate public safety.”

In general terms, the proposed temporary parking lot conforms to the policies of **Section 3.6.6** in the following ways:

- Temporary surface parking, while discouraged, is a permitted use subject to meeting design standards relating to visual appearance.
- The proposed lot has been designed with the required landscaping and will permit the re-instatement of a small park at the corner of Lyon and Slater that was removed during the original demolition and grading of the existing parking lot.
- The layout of the parking lot and points of access from Albert, Lyon and Slater have been designed to meet the by-law requirements for aisle widths, access lanes and parking space size to ensure public safety and the safe functioning the site.

Section 4.3 Walking, Cycling, Transit, Roads and Parking Lots provides direction on the assessment of transportation related facilities when considering development applications. **Policy 4.3.7** states the following:

“The City will require that parking areas for motorized vehicles be screened from the street with low shrubs, trees, landscaped berms, decorative walls and fences.”

The proposed temporary parking lot is in conformity with this policy as it has been designed with the required landscaping and will permit the re-instatement of a small park at the corner of Lyon and Slater that was removed during the original demolition and grading of the existing parking lot.

5. Zoning By-law

The subject property was rezoned by By-law 2015-342 which created **Residential Fifth Density Subzone Q Exception [282] Schedules 89A & 89B-h1 h-2**, a site specific subzone to support the Broccolini proposal for 383 Slater. This amendment as it relates to the application for a temporary use by-law also

removed the use “parking lot” from the site and replaced it with “parking garage”. Through this by-law, the entire site is to be considered as one lot for zoning purposes.

To permit the establishment of a surface parking lot for a temporary period up to three years requires the enactment of a temporary use by-law. This by-law would apply to the entire site and could be made specific by limiting the number of spaces allowed to 90 as shown on the revised site plan currently under review.

6. Summary Opinion

Based on my review of the proposed temporary surface parking lot as outlined in this Planning Rationale, it is my professional opinion that said proposal represents good land use planning; is appropriate for the site; and is in the public interest for the following reasons:

- There are existing legal non-conforming rights to surface parking on this site for 64 spaces which means it could be developed subject only to site plan control approval on a permanent basis. The intent of this application is to expand this number to 90 spaces and establish this use solely on a temporary basis until the pending development applications are approved for the overall redevelopment of the property.
- The proposed development is consistent with the Provincial Policy Statement 2014 which promotes efficient and appropriate development on lands within the urban boundary. The proposal capitalizes on the availability of a centrally located site in the downtown area to provide additional parking supply on an interim basis pending full redevelopment of the site rather than let the site remain idle.
- The proposed development is permitted and conforms to the Official Plan, specifically the applicable policies found in Section 2.3.1 Transportation, Section 3.6.6 Central Area and Section 4.3 Walking, Cycling, Transit, Roads and Parking Lots.
- A similar use was established on a long term basis on municipally owned lands at the corner of Albert and Lyon in 2014. The demand for additional parking supply in support of that parking lot is documented in Report # ACS2014-COS-PWS-0015 dated May 28, 2014. It is my opinion that this demand continues to exist today based on the at-capacity use of the parking lot on the site.
- Given that applications related to the overall redevelopment of the site are currently under review, it is clear that the requested use will be interim in nature.

If there are further questions or a need for clarification on the contents of this report, you may contact the writer at 613-729-3773.



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