



## **Planning Rationale in Support of Applications for Minor Zoning By-law Amendment and Site Plan Control**

**35 & 37 William Street  
City of Ottawa**

**Prepared by:**

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## 1.0 INTRODUCTION

Holzman Consultants Inc. (“HCI”) was retained by 2361212 Ontario Inc. (the “Applicant”) to prepare a planning rationale in support of applications for Minor Zoning By-law Amendment and Site Plan Control for 35 & 37 William Street (the “Subject Property”), which were recently destroyed by a fire (see **Exhibit A**). The intention with these applications is to enable the creation of a mixed-use redevelopment that would have an expanded restaurant use on the ground floor along the east side of William Street, while also adding 16 residential dwelling units on the three floors above. To demonstrate that the requested amendment represents good land use planning and that it will improve the quality of the ByWard Market, this report contains an analysis of the following:

- Provincial Policy Statement;
- City of Ottawa Official Plan;
- Heritage Conservation District Building Improvement and Design Guidelines; and,
- City of Ottawa Zoning By-law.

### 1.1 Background

A pre-application consultation meeting with City Staff was held in June of 2019 to review submission requirements to advance applications for Minor Zoning By-law Amendment and Site Plan Control for the Subject Property, with their feedback reflected in the proposal. HCI and the Applicant have also prepared the following studies and reports to address the requirements:

- Servicing and Stormwater Management Report, dated December 18, 2019;
- Geotechnical Desktop Review – Preliminary Design Parameters, dated August 12, 2019;
- Noise Assessment, dated January 23, 2020;
- Cultural Heritage Impact Study, dated January 20, 2020;
- Phase I Environmental Site Assessment, dated November 29, 2019;
- Phase II Environmental Site Assessment, dated December 3, 2019; and,
- Scoped Environmental Impact Study, dated December 6, 2019.

It is also important to note that 35 William Street enjoys a right-of-way over the rear portion of 54 William Street, referred to as Feathers Lane, described by Instruments N330790, 503280, and NS60390 (see **Exhibit B**). In addition to this easement, a formal application for Consent for a Lot Line Adjustment has been submitted. This application seeks to add the rear of the property known as 62 York Street to the Subject Property, as well as to seek an easement/right-of-way over the severed portion of 62 York Street and over 35 William Street in favour of the existing structure at 62 York Street. This is to provide an emergency egress from the building (currently a Starbucks) through to William Street.



**Exhibit A:** Google Maps photos of the Subject Property before the fire.



## 1.2 Proposed Redevelopment

The proposed redevelopment of the Subject Property will consist of 2,059sqm of gross floor area for ground and basement floor restaurant uses, along with three additional storeys of residential uses with 16 dwelling units total (see **Exhibits C – L**). Currently, the rear of 62 York Street only has a small structure for stairways leading from the basement and second floor of the building on the front of that site. Meanwhile, 35 and 37 William Street are now virtually vacant, following the demolition of the fire-damaged structures. The floor plans highlight the integration with the rear portion of the 62 York property, which provides pedestrian paths for use in an emergency event. The elevations highlight the third and fourth floor step-backs from the front to the back of the Subject Property, along with the notable glazing on all floors. Pedestrian access to the residential component will be via an existing easement/right-of-way, over the westerly portion of 87 George Street, to the main door of the proposed development.

In order to advance the intended redevelopment, applications for Minor Zoning By-law Amendment and Site Plan Control are required, along with an application under the Ontario Heritage Act. An application for demolition has already been filed with the City and has been issued in order to permit the cleanup of the site. City Staff have reviewed the impact of this demolition with regards to the heritage attributes and were satisfied with the intended removals. The application under the Heritage Act awaits the processing of the above applications.

## 1.3 Proposed Zoning By-law Amendment

Four amendments are required for the proposed redevelopment, with the draft Urban Exception outlined below.

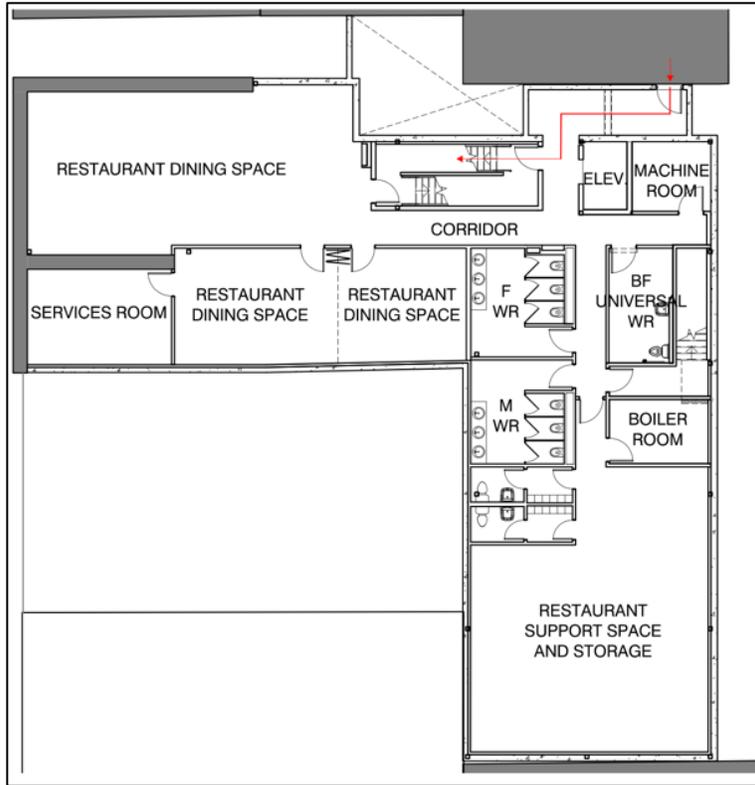
**Table 1: Draft Zoning By-law Amendment**

I – Exception Number	II – Applicable Zones	III – Additional Land Uses Permitted	IV – Land Uses Prohibited	V – Provisions
XXXX (By-law 2020-XXX)	MD2 [XXXX] S73	None	None	<ul style="list-style-type: none"> <li>- The maximum building height is 13.5m;</li> <li>- The maximum width of any permitted uses on the ground floor is 11.7m</li> <li>- The minimum amenity space required per dwelling unit is 0sqm, with no required communal amenity space;</li> <li>- The cumulative gross floor area of lobbies, mechanical rooms and access to other floors must not exceed 62% of the gross floor area of the ground floor; and,</li> <li>- Section 60 (1) and (3) are not applicable</li> </ul>

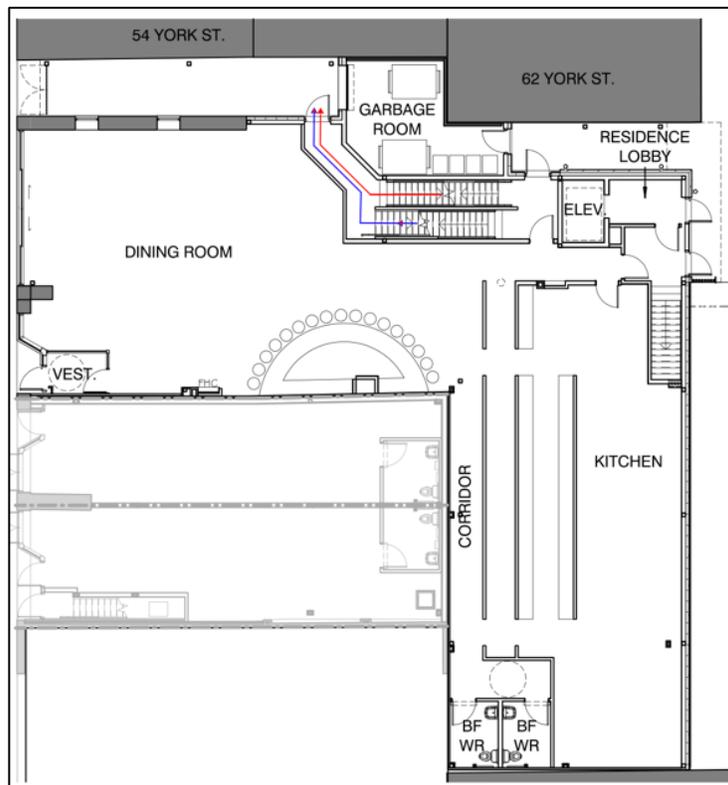
## 1.4 Community Consultation

As previously mentioned, a pre-application consultation meeting with City Staff was held in June of 2019. The Lowertown Community Association was in attendance at this meeting, as well as represented at a separate heritage pre-consultation meeting in September of 2019.

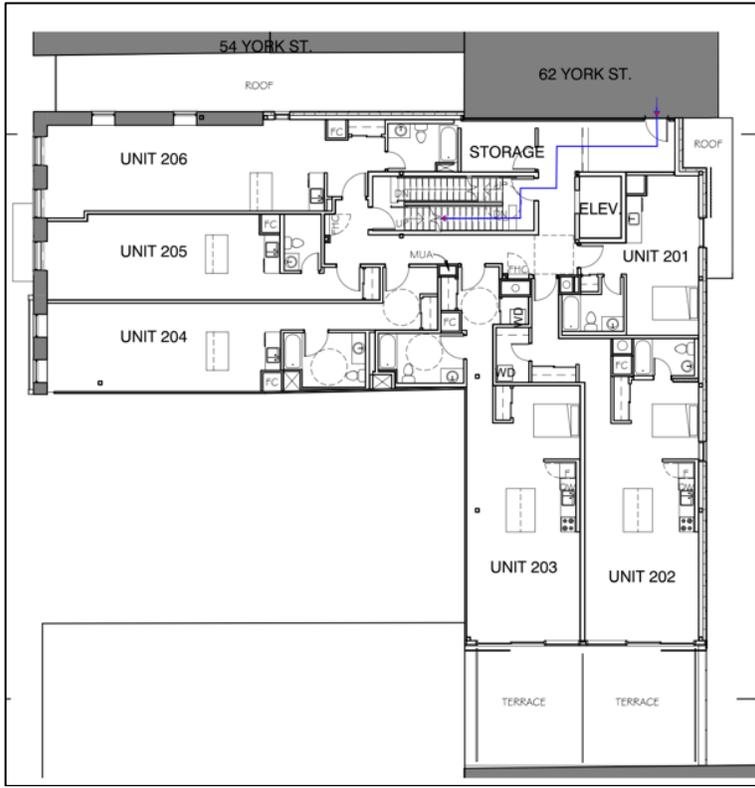
Moving forward, there will be additional opportunities for public comment, including a formal public meeting for the minor rezoning under the Planning Act. The applications will also be heard at the Heritage Subcommittee and the Planning Committee, and we look forward to additional feedback at these times.



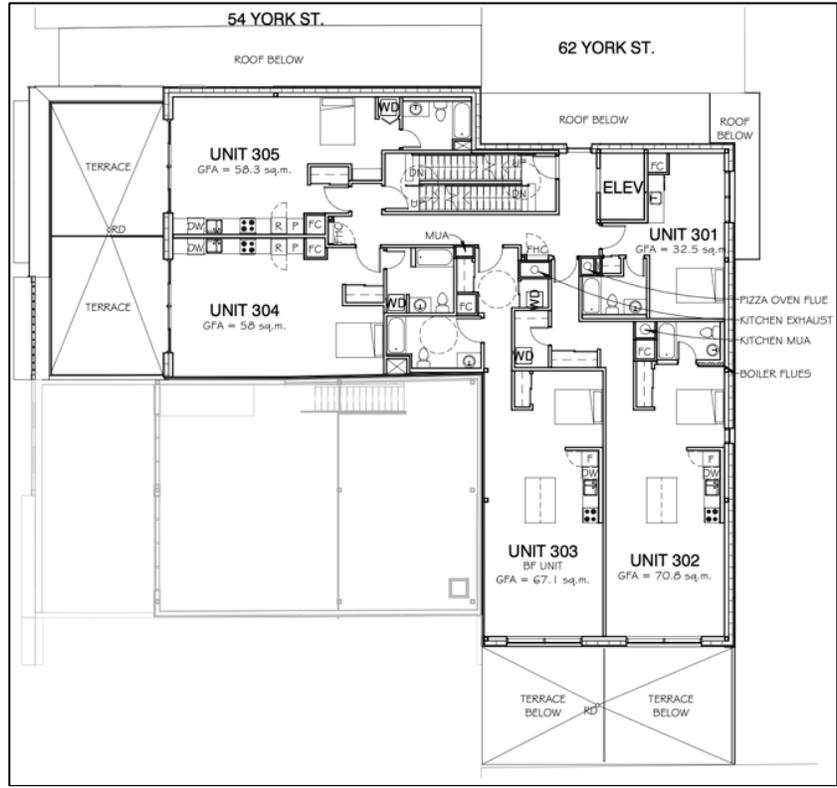
**Exhibit C: Basement Floor Plan of the Proposed Redevelopment.**



**Exhibit D: Ground Floor Plan of the Proposed Redevelopment.**



**Exhibit E:** Second Floor Plan of the Proposed Redevelopment.



**Exhibit F:** Third Floor Plan of the Proposed Redevelopment.

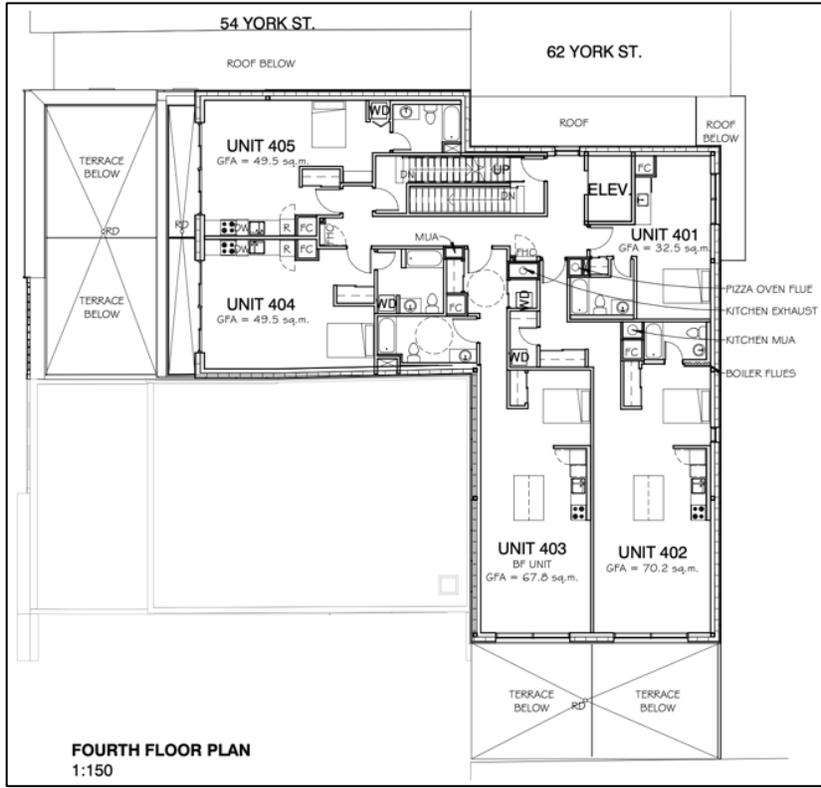


Exhibit G: Fourth Floor Plan of the Proposed Redevelopment.



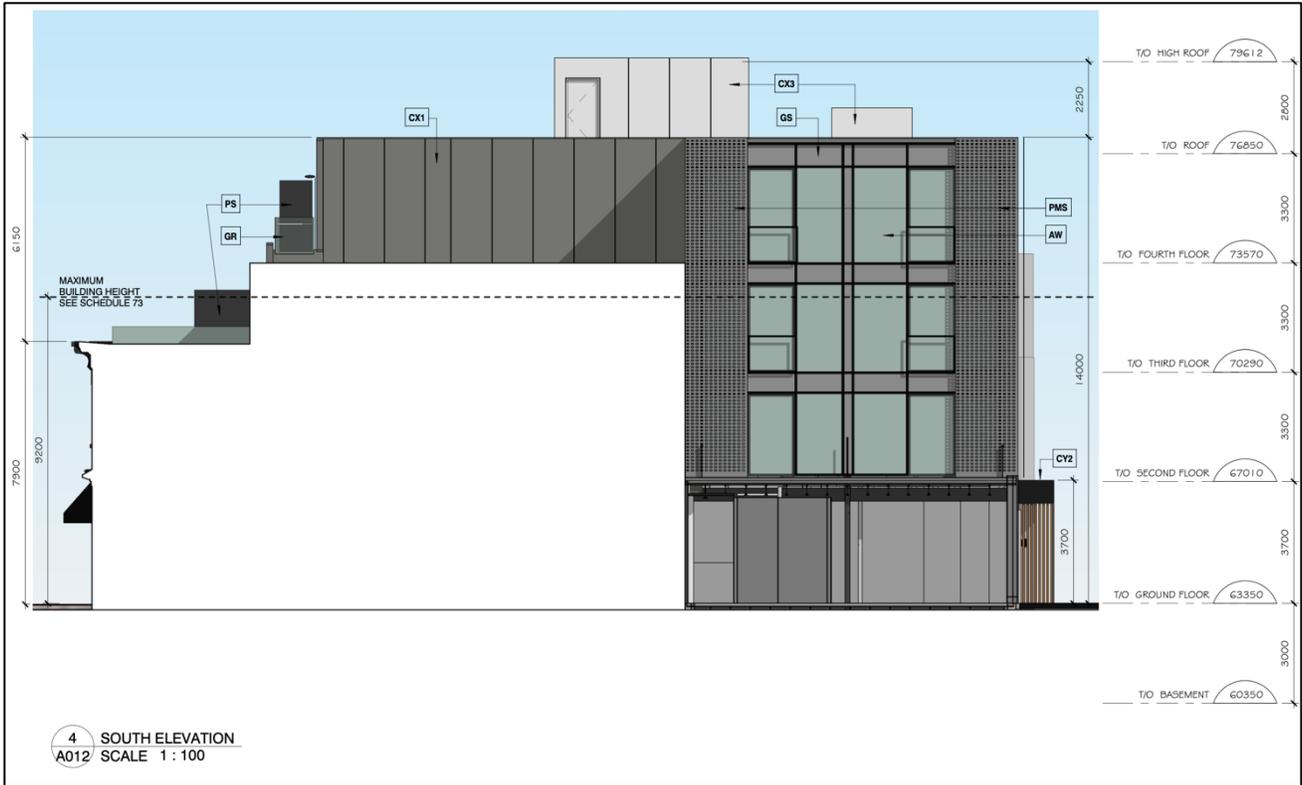
Exhibit H: West Elevation of the Proposed Redevelopment.



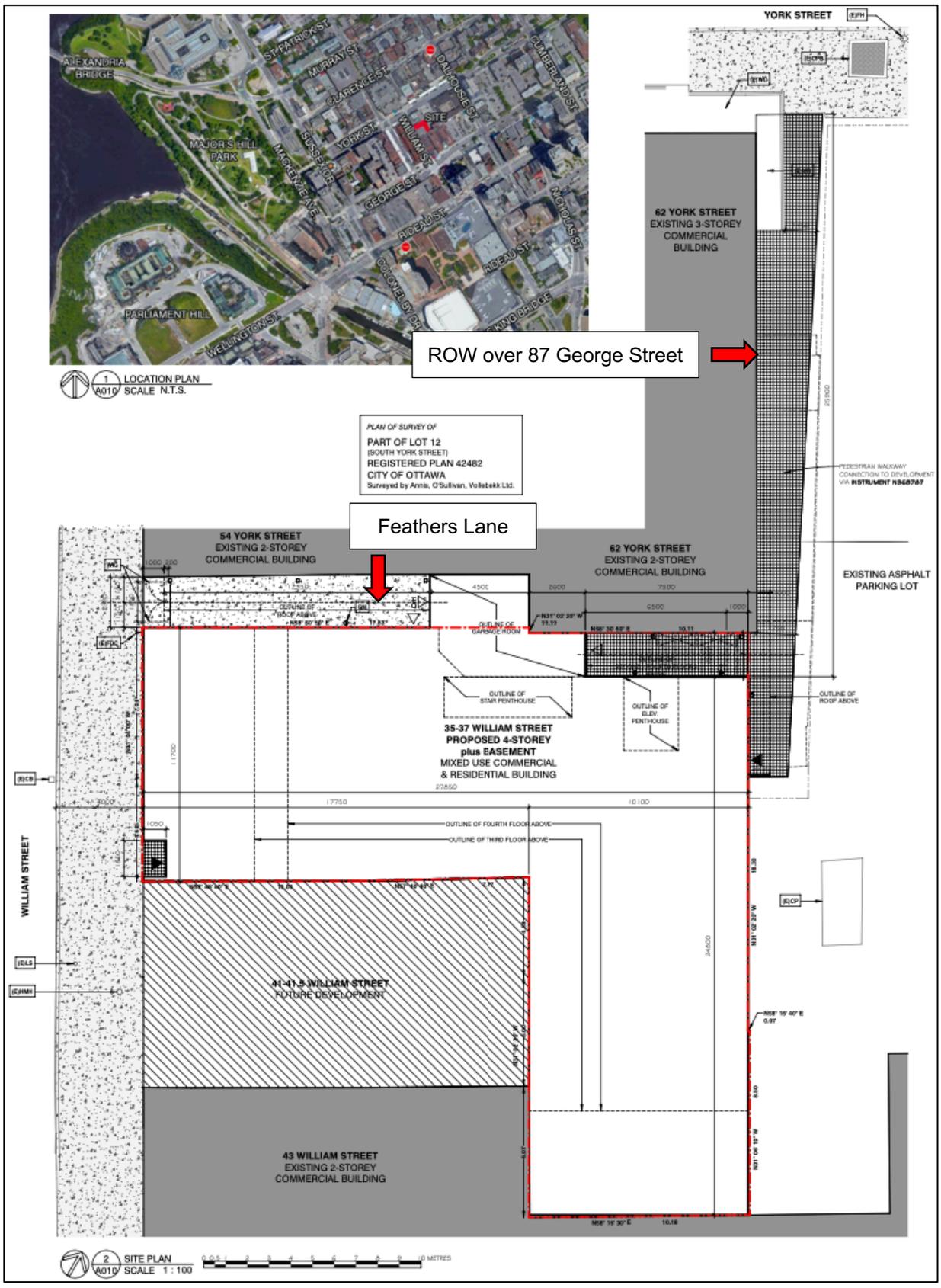
**Exhibit I: East Elevation of the Proposed Redevelopment.**



**Exhibit J: North Elevation of the Proposed Redevelopment.**



**Exhibit K: South Elevation of the Proposed Redevelopment.**



**Exhibit L: Site Plan of the Proposed Redevelopment.**

## 2.0 APPLICABLE PLANNING POLICIES

### 2.1 Provincial Policy Statement (PPS)

The PPS is issued under the authority of Section 3 of the Planning Act and provides direction on matters of provincial interest related to land use and development in the “policy-led” planning system. According to the PPS, the vision for Ontario’s land use planning system is to carefully manage land to ensure appropriate development, in order to satisfy current and future needs. In addition, land use planning must promote efficient development patterns, which promote a mix of housing, employment, open spaces, and multimodal transportation. The PPS ultimately aims to create communities that are economically strong, environmentally sound, and that foster social wellbeing. The PPS sets a time horizon of up to 20 years, during which time there should be a sufficient supply of land for housing, employment opportunities, and other uses to meet the demands of communities. The supply of land is to be controlled through three mechanisms: redevelopment, intensification and designation of growth areas.

Per Section V Policy 1.1.1 (b) of the PPS,

*Healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.*

Per Section V Policy 1.1.3.4,

*Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

Per Section V Policy 1.3.1 (c),

*Planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.*

Per Section V Policy 1.7 (c),

*Long-term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.*

It is our opinion that these policies, as well as the PPS overall, are respected through the applications for Minor Zoning By-law Amendment and Site Plan Control.

### 2.2 City of Ottawa Official Plan (OP)

The Subject Property is currently designated Central Area in the OP and per Section 3.6.6,

*The Central Area’s unique heritage resources will be protected through heritage conservation, and enhanced through new development which respects and complements nearby heritage buildings.*

Also, per Section 3.6.6,

*The Core’s employment image and identity will be enhanced through new mixed-use development and refurbishment, which creates a sense of human scale, and contributes to the area’s vitality by providing retail uses at grade and additional hotel and residential uses.*

Per Section 3.6.6.5 (b) (ii),

*The City will enhance the appearance and liveability of the Central Area and the surrounding residential neighbourhoods by... Ensuring that all public and private development has regard for the compatibility criteria in Section 2.5.1, the design criteria in policy 6 below and that residential development... Where appropriate, results in a transition from lower-profile to higher-profile buildings, and vice versa.*

Furthermore, the Subject Property is within the Central Area Secondary Policy Plan. More specifically, the Subject Property is in the ByWard Market Character Area and, per Section 1.5.1 Vision of the Secondary Policy Plan,

*New infill development will be introduced adjacent to the courtyards, providing boutiques and restaurants, and residential uses or small hotels above, which face onto the courtyards, reminiscent of the past and ensuring a safe environment.*

The Subject Property is also subject to the Downtown Ottawa Urban Design Strategy, in particular the ByWard Market Precinct strategies. Built Form Guidelines state,

*Complete use of the Market space including all lanes, alleys, courtyards and interiors of the block spaces should be encouraged. Infill projects should support a very urban feel, with specific emphasis on the base of buildings, including main entrances and windows along the street.*

As part of the ByWard Market Precinct and in a Design Priority Area, the Subject Property is subject to the Urban Design Review Panel process. This can involve an informal, as well as formal, review process of development applications, where Panel members will provide recommendations to help guide the final design of the structure.

Furthermore, the heritage policies under the OP were considered for both the Zoning By-law Amendment and Site Plan Control applications, as well as for the application under the Heritage Act.

### ***2.3 Heritage Conservation District Building Improvement and Design Guidelines***

Additionally, the Subject Property is located within a Heritage Conservation District, which has associated HCD Study Guidelines, which are suggested as criteria for design review. The applications for Minor Zoning By-law Amendment and Site Plan Control meet the following notable Building Improvement and Design Guidelines, amongst others:

- 2.5 *Because of the evolution of the area, which has resulted in the reworking of many of the properties over time, unity of style is not an objective. It would be historically incorrect, and destructive of genuine historic fabric.*
- 2.6 *New work in an area like this must respect the existing scale, material and form of the district. However, it should be of its own time, designed in a contemporary vernacular consistent with the traditions of the area.*
- 3.3.7 *New work should be of its own time, but subservient to the heritage character of the existing property. It should take its form and direction from the history of the property itself.*
- 3.5.4 *The building form should respect the massing of adjacent heritage properties. For high-density, low-rise development, the side gable and flat roof forms have traditionally been used and continue to be the most viable options. For less dense single-family development, the front gable form could be used. Materials and detailing should reflect contemporary taste and availability, controlled only by the requirement to respect and reinforce the character of what exists. Infill must not disrupt any further the already fragile sense of continuity in many parts of the market district.*
- 3.5.5 *Mixed use developments are historically appropriate throughout the area, and could be considered on a case by case basis.*

## 2.4 City of Ottawa Zoning By-law (Zoning By-law)

The Subject Property has a Heritage Overlay, which stipulates the following:

- 1) *Where a building in an area to which an heritage overlay applies is removed or destroyed it must be rebuilt with the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to its removal or destruction.*
  
- 3) *Despite the provisions of the underlying zone, an addition to a building in an area to which an heritage overlay applies is permitted only if:*
  - a) *the height of the walls and the height and slope of the roof of the addition do not exceed those of the building;*
  
  - b) *In Areas A, B and C on Schedule 1,*
    - i. *the side yard setback of the addition is at least 60 cm. greater than that of the wall of the building located closest to the side lot line, except in the case of shared lot lines between dwelling units that are permitted to be vertically attached where the required side yard setback is 0 metres,*
  
    - ii. *it is located entirely within the rear yard, or in the interior yard abutting the rear yard and complies with the rear yard setback of the underlying zone, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case may be less than 3.0 metres; and*
  
  - c) *it is not located within a front yard.*

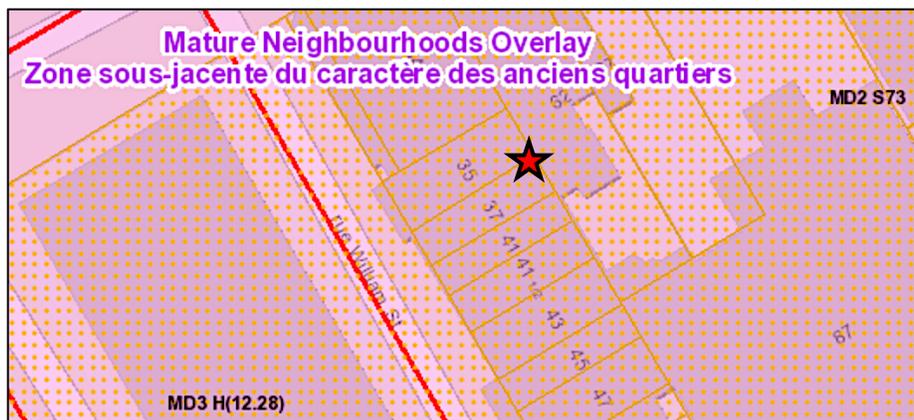
The Subject Property is also zoned MD2 S73 (see **Exhibit M**). The stated purpose of this zone is to,

*[Support] the Central Area, as designated in the Official Plan, as the central place in the region for employment and shopping while also allowing residential, cultural and entertainment uses*

and to,

*[Facilitate] more intense, compatible and complementary development to ensure that the active, pedestrian-oriented environment at street level... is sustained.*

In the MD2 S73 zone, bar, hotel, nightclub, restaurant, retail food store, and retail store uses are permitted, amongst others, on the ground floor; furthermore, dwelling units are also permitted per the MD zone.



**Exhibit M:** GeoOttawa map identifying zoning for the Subject Property as MD2 S73.

**Table 2: Performance Provisions under MD2 S73, per the Proposed Redevelopment**

<b>Provision:</b>	<b>Required:</b>	<b>Provided:</b>	<b>Compliance:</b>
<b>Min. Lot Area</b>	No minimum	479sqm	Yes
<b>Min. Lot Width</b>	No minimum	11.7m	Yes
<b>Min. Front Yard Setback</b>	No minimum	0m	Yes
<b>Min. Interior Side Yard Setback</b>	No minimum	0m	Yes
<b>Min. Rear Yard Setback</b>	No minimum	0m	Yes
<b>Min. Width of Landscaped Area</b>	No minimum, except that where a yard is provided and not used for required driveways, aisles, parking, loading spaces or outdoor commercial patio, the whole yard must be landscaped	0m	Yes
<b>Building Height</b>	9.2m	13.5m	No
<b>Min. Resident/Patron Parking Spaces</b>	0 spaces (per Section 101.2)	0 spaces	Yes
<b>Min. Visitor Parking Spaces</b>	0.4 spaces (per Section 102.2)	0 spaces	Yes***
<b>Bicycle Parking Spaces</b>	0.5 per dwelling unit (total: 8); 1 per 250sqm of gross floor area for the restaurant use (total 2) Cumulative Total: 10	Cumulative Total: 17 (2+15)	Yes
<b>Amenity Space</b>	6sqm per dwelling unit, min. 50% communal	Min. 0sqm per dwelling unit, 0sqm communal	No
<b>Maximum Width of Any Permitted Uses on the Ground Floor</b>	6m	11.7m	No
<b>Other</b>	The cumulative gross floor area of lobbies, mechanical rooms and access to other floors must not exceed 50% of the gross floor area of the ground floor	The cumulative gross floor area of lobbies, mechanical rooms and access to other floors (200sqm) is 61.2% of the gross floor area of the ground floor (327sqm)	No

\*\*\*It is important to note that per Sections 101.2 and 102.2 of the Zoning By-law, 0 parking spaces are required for residents, patrons, and visitors. No parking is required as the Subject Property is located in Area Z on Schedule 1A, which indicates that it is near a major LRT station (it is within 260 metres by foot). Based on its location, the Subject Property is also not required to provide visitor parking for the first 12 units; therefore, 0.4 spaces are required for 16 dwelling units, which rounds down to 0 spaces, per Section 100.8. That being said, there is ample bicycle parking on site, in excess of the zoning requirements for the proposed redevelopment, as well as nearby paid on-street and garage parking for vehicles within the ByWard Market precinct.

### 3.0 CONSISTENCY AND COMPATIBILITY

This amendment is required to facilitate the functional and financially viable redevelopment of the Subject Property. As the dwelling unit and restaurant land uses are permitted on site, this application is deemed a Minor Zoning By-law Amendment. It is important to note that the purpose of Section 60 is to “...encourage the retention of existing heritage buildings by offering zoning incentives to reuse the buildings...”.

As previously mentioned, mixed-use developments are historically appropriate. That said, new development is to respect and complement nearby heritage buildings, while enhancing the vitality and viability of the precinct. The proposed redevelopment achieves these goals by providing restaurant uses at grade and residential uses above. Furthermore, the proposed amendment to building height ensures that the redevelopment respects the massing of adjacent heritage properties and contributes to a more gradual transition, from lower- to higher-profile buildings, as it steps back from the front to the back of the Subject Property.

The human scale of the streetscape is further respected through the use of the building step-backs, which assist in the transition from the building heights to the street. These step-backs have regard for the intent of the By-law, while accomplishing the additional goal of using all of the Market space, including all lanes, alleys, courtyards and interiors of the block spaces. These transitions are also supported by complementing the material and form of the precinct.

However, in accomplishing these goals, there are necessary amendments to the amenity space requirements, as well as to the maximum percentage of the cumulative gross floor area of lobbies, mechanical rooms and access to other floors in comparison to the gross floor area of the ground floor. Additional amendments are also required with regards to the Heritage Overlay, in order to achieve these aforementioned goals outlined in the OP and Zoning By-law. More specifically, relief from Section 60 (1) and (3) is requested. Limiting development to that which replicates the scale, massing, volume, and floor area of that existing before the fire would be an inefficient use of valuable Market space; furthermore, such limitations are contrary to City intensification and redevelopment policies, as well as to the intent and purpose of Section 60, as outlined above.

That said, an increase is required to the maximum width of any permitted use on the ground floor, in order to maintain the genuine historic fabric of the building. The ground floor restaurant use was non-complying in this width provision prior to the fire; therefore, this amendment will be required to bring this previously legal non-complying issue into compliance. Additionally, the proposed design includes different materials to break up the width of the front façade and reduce the impact of the wider use along the streetscape.

Therefore, the proposed redevelopment and associated applications for Minor Zoning By-law Amendment and Site Plan Control are consistent with the objectives of the planning policies, while also being compatible with the site context.

## 4.0 CONCLUSION

Overall, the proposed redevelopment efficiently uses an urban space for both restaurant and residential uses, which enhances the vitality of the ByWard Market for all of its residents and visitors. This proposal is sensitive to its local context as demonstrated through the above noted studies and reports, as well as its massing and materials. As such, it is our professional planning opinion that the applications for Minor Zoning By-law Amendment and Site Plan Control represent good land use planning and will improve the urban quality of the ByWard Market.

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