

Report to
Rapport au:

Planning Committee
Comité de l'urbanisme
23 January 2020 / 23 janvier 2020

and Council
et au Conseil
29 January 2020 / 29 janvier 2020

Submitted on 2 January 2020
Soumis le 2 janvier 2020

Submitted by
Soumis par:
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Ward: RIDEAU-VANIER (12) File Number: ACS2020-PIE-PS-0004

SUBJECT: Zoning By-law Amendment – 116 York Street

OBJET: Modification du *Règlement de zonage* – 116, rue York

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council refuse an amendment to Zoning By-law 2008-250 for 116 York Street to permit a 17-storey hotel, 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 January 29, 2019,” 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 de rejeter la modification du *Règlement de zonage* (n° 2008-250) visant le 116, rue York qui autoriserait l’aménagement d’un hôtel de 17 étages, comme le précise 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 29 janvier 2019 », 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.**

EXECUTIVE SUMMARY

Assumption and Analysis

Planning staff recommend Council refuse an amendment to Zoning By-law 2008-250 for 116 York Street to permit a 17-storey high-rise building, containing a hotel. The applicant has requested to remove the heritage overlay, increase the maximum height permitted, remove the angular height plane and amend the loading space provisions on this property.

The proposal does not align with the planning and heritage policies applicable to high-rise development at this specific location, in the Lowertown neighbourhood, within the ByWard Market Heritage Conservation District. The property is designated Central Area in the Official Plan and is within the Lowertown Character Area in the Central Area Secondary Plan.

While high-rise buildings are permitted within the Central Area designation, the proposal does not meet Policies 9 to 12 in Section 4.11 of the Official Plan, the policies which

provide specific direction on building compatibility and transition. The scale, massing and height does not relate well to neighbouring properties.

Within the Central Area Secondary Plan, the vision for the Lowertown Character Area is to develop into a residential neighbourhood that will permit a mix of uses within both heritage and sensitively designed newer buildings, which respect the character and scale of nearby heritage buildings. With no angular height plane or comparable step backs proposed, this development will not be sensitive to the character and scale of nearby heritage buildings. The wide loading and parking garage entrance proposed along York Street will not create animation along the street and will diminish the Central Area's vision for York Street being a key pedestrian promenade through the ByWard Market.

The proposal also does not follow the direction provided in the Council-approved *Urban Design Guidelines for High-Rise Buildings*. The *Design Guidelines* recommend an 1,800-square metre minimum lot area for a high-rise building, on an interior lot, that is adjacent to a site that also may permit a high-rise building. With a total lot area of 1,016 square metres, the site is of insufficient size for a high-rise development. The *Guidelines* also recommend a minimum separation distance between towers of 23 metres. Staff are concerned that the absence of setbacks and inadequate tower separation on this property along with other potential future developments, will create an overpowering wall along the street edge. This potential condition will have direct quality of life impacts for pedestrians and for residents on adjacent properties, with no access to light at the rear or sides and create issues of air flow and adverse wind conditions.

In addition to applications required under the *Planning Act* for this development, the applicant must also receive approval under the *Ontario Heritage Act*. Heritage staff have not yet received a heritage application for this development but concur that the proposed development is not compatible with the character of the ByWard Market Heritage Conservation District. Nevertheless, because of the planning concerns associated with the proposal and as the property Owner has filed an appeal to the Local Planning Appeals Tribunal for lack of a decision by City Council, staff are bringing forward this rezoning report for consideration by Committee and Council.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Staff received 11 public comments in response to this application. One comment in support and 10 comments in opposition. Staff also received comments in

opposition of this application from the Lowertown Community Association and Heritage Ottawa. Detailed comments are provided in Documents 6, 7 and 8 of this report.

RÉSUMÉ

Hypothèses et analyse

Le personnel de la planification recommande au Conseil de rejeter la modification du *Règlement de zonage* (n° 2008-250) visant le 116, rue York qui autoriserait l'aménagement d'un immeuble de 17 étages abritant un hôtel. L'instigateur du projet a demandé le retrait de la propriété du secteur désigné à valeur patrimoniale, l'augmentation de la hauteur maximale permise, la suppression du plan de hauteur angulaire et la modification des dispositions qui visent la place de chargement sur la propriété.

Le projet ne respecte pas les politiques patrimoniales et d'urbanisme qui s'appliquent aux immeubles de grande hauteur dans le secteur de la Basse-Ville, à l'intérieur du district de conservation du patrimoine du marché By. La propriété est visée par la désignation de secteur central du Plan officiel et fait partie du secteur à aspect unique de la Basse-Ville prévu dans le plan secondaire de l'Aire centrale.

Même si la désignation de secteur central permet l'érection d'immeubles de grande hauteur, le projet ne respecte pas les politiques 9 à 12 de la section 4.11 du Plan officiel, lesquelles énoncent des directives précises au sujet de la compatibilité et de la transition. En bref, l'échelle, la volumétrie et la hauteur s'agencent mal avec les propriétés avoisinantes.

Le plan secondaire de l'Aire centrale vise à faire du secteur à aspect unique de la Basse-Ville un quartier résidentiel combinant différentes utilisations où se côtoient des édifices patrimoniaux et de nouveaux bâtiments soigneusement conçus pour respecter le caractère et la taille des édifices historiques à proximité. Sans plan de hauteur angulaire ni retraits comparables proposés, l'aménagement ne s'harmonise pas au caractère et à l'échelle des édifices historiques avoisinants. La large entrée projetée pour l'installation de chargement et de stationnement sur la rue York ne dynamisera pas la rue et compromettrait la vision pour le secteur central, qui prévoit faire de la rue York une importante promenade piétonnière traversant le marché By.

Par ailleurs, le projet ne respecte pas les *Lignes directrices sur l'esthétique urbaine des édifices de grande hauteur* approuvées par le Conseil. En effet, pour les immeubles de grande hauteur, on y recommande une superficie minimum de 1 800 m² pour un lot intérieur lorsque l'édifice jouxte une propriété où peut également être érigé un immeuble de grande hauteur. Comme le lot fait 1 016 m² au total, la taille du site ne permet pas

l'aménagement d'un immeuble de grande hauteur. Qui plus est, les *Lignes directrices* recommandent une séparation minimum de 23 mètres entre deux tours. D'après le personnel, l'absence de retraits et la distance insuffisante entre les tours et avec les aménagements futurs éventuels créeraient un mur imposant en bordure de rue, ce qui nuirait directement à la qualité de vie des piétons et des résidents des propriétés adjacentes en empêchant la lumière de pénétrer à l'arrière et sur les côtés, et en créant des problèmes de circulation de l'air et des rafales.

Outre les demandes exigées par la *Loi sur l'aménagement du territoire*, le demandeur doit également obtenir une approbation aux termes de la *Loi sur le patrimoine de l'Ontario*. Le personnel responsable du patrimoine n'a pas encore reçu de demande pour ce projet, mais il convient d'ores et déjà que le projet n'est pas compatible avec le caractère du district de conservation du patrimoine du marché By. Ceci étant dit, vu les considérations urbanistiques soulevées, le personnel soumet le présent rapport à l'attention du Comité et du Conseil.

Consultations publiques et rétroactions

Un avis public a été donné et une consultation publique a eu lieu conformément à la Politique d'avis et de consultation publique approuvée par le Conseil municipal pour les modifications du *Règlement de zonage*. Le personnel a reçu 11 commentaires du public, soit 1 en faveur du projet et 10 en défaveur. L'Association communautaire de la Basse-Ville et Patrimoine Ottawa se sont également opposés au projet. Les commentaires sont détaillés dans les documents 6, 7 et 8 joints au présent rapport.

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

116 York Street

Owner

Bayview Ottawa Holdings Ltd. c/o Alnour Gulamani, President

Applicant

Holzman Consultants Inc. c/o Bill Holzman, President

Description of site and surroundings

The property, known municipally as 116 York Street, has a lot width of 20.13 metres, a lot depth of 50.45 metres and a total lot area of 1,016 square metres. The property is in the ByWard Market neighbourhood, on the south side of York Street, 40 metres east of the York and Dalhousie Street intersection. The surrounding properties contain a mix of land uses and building heights. Immediately east of the property is a five-storey heritage office building with ground floor commercial uses. Immediately west is a two-storey heritage brick building that houses a nightclub. Further west, at the southwest corner of Dalhousie and York Streets, is a high-rise building containing the Andaz Hotel. Both abutting properties to the south are currently occupied by surface parking lots. The properties to the north across York Street are two and three-storey heritage buildings occupied by a variety of commercial and residential uses.

The property and all abutting properties to the west, north and east are located within the ByWard Market Heritage Conservation District. Adjacent properties to the south are located outside of the ByWard Market Heritage Conservation District.

Summary of requested Zoning By-law amendment proposal

The applicant has requested a Zoning By-law amendment to permit a high-rise building containing a hotel on the site. The applicant seeks to amend the maximum building height to 59.6 metres, which will involve removing the angular height plane that would allow a building between 21.5 and 50 metres, to amend the heritage overlay, and to amend the loading space provisions.

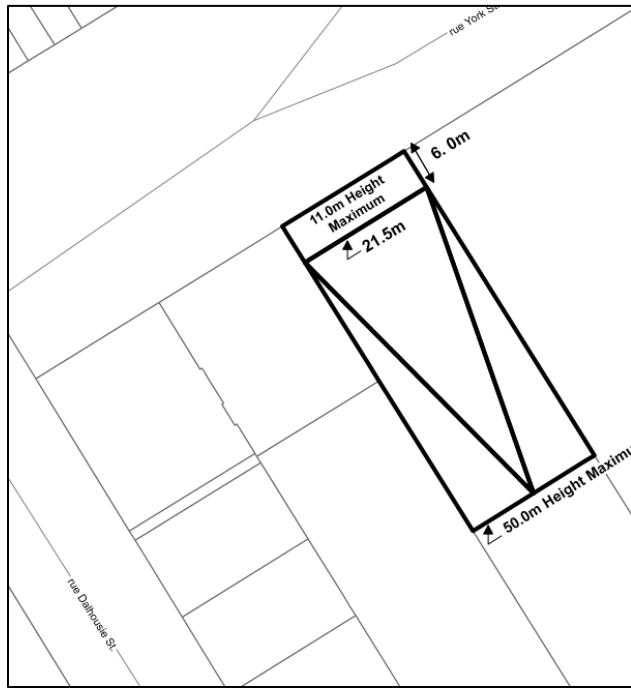
The heritage overlay, which applies to this property, limits development to the same character and at the same scale, massing, volume, floor area and in the same location as the building that existed in 1978. Although the property is now vacant, development is limited to the two-storey house that existed on the western side of this site, when the heritage overlay provisions were enacted into the zoning bylaw in 1978. The heritage overlay provisions must be amended to allow the provisions of the underlying zone, including maximum building heights.

The underlying zone for this property is Mixed-Use Downtown, Subzone 2, Urban Exception 113, Schedule 74 (MD2[113] S74). Schedule 74 establishes the maximum permitted heights for the property. Three different maximum heights and an angular plane apply, as described below and shown in Figure 1:

- A maximum of 11m up to a depth of 6.0 metres from the York Street lot line.
- An angular plane, which begins 6 metres from the York Street lot line at a

maximum height of 21.5 metres to a maximum of 50 metres along the rear property line.

Figure 1: Excerpt of Schedule 74 showing maximum building heights.



DISCUSSION

Public consultation

For this proposal's consultation details, see Document 6 of this report.

Official Plan designations

The property is designated Central Area on Schedule B of the Official Plan. Applicable policies are set out in Section 3.6.6 of this Plan. These policies promote the Central Area's vital role as the economic and cultural heart of the city and the symbolic heart of the nation. New buildings and spaces within the Central Area will enhance the pedestrian environment in the Central Area by ensuring buildings are designed and sited to minimize sun shadowing and provide appropriate wind attenuation on public open spaces and pedestrian corridors. York Street is specifically identified in this Plan as an entrance to, and promenade through the ByWard Market, with a significant heritage character. This Plan also calls for protecting unique heritage resources through heritage conservation and enhanced through new development which respects and complements nearby heritage buildings.

Development applications are also evaluated in accordance with the Urban Design and Compatibility Policies found in Section 2.5.1 and Section 4.11 of the Official Plan. To be considered compatible, the project must demonstrate how it enhances and coexists with existing development without causing undue adverse impact on surrounding properties. It ‘fits well’ within its physical context and ‘works well’ among those functions that surround it. Policies 8 and 9 in Section 4.11 of the Plan indicates specific locations within the city where high-rise buildings may be considered. Policies 11 and 12 of Section 4.11 of the Plan examines proposals for high-rise buildings in light of several design measures, including: the building’s relationship to its context, the effect on views and the skyline, the quality of architecture and urban design, as expressed in Council-approved urban design guidelines and the building’s relationship to the public realm. Policy 12 provides direction on building transitions to integrate tall buildings into areas characterised by lower built form.

Other applicable policies and guidelines

The property is located within the Lowertown Character Area in the Central Area Secondary Plan. The vision for this area is to evolve, over time, into an attractive pedestrian-oriented predominantly residential urban village neighbourhood. With housing remaining as the predominant use, Lowertown will feature a mix of uses within heritage and sensitively designed newer buildings, which respect the character and scale of nearby heritage buildings. York Street is also identified as a distinctive street and entrance to, and promenade through, the ByWard Market in this plan.

Development proposals for high-rise development are also evaluated using the *Urban Design Guidelines for High-Rise Buildings*, approved by City Council on May 23, 2018. This document provides guidance on three key design principles: designing a high-rise building in its context, achieving desirable built form and enhancing the pedestrian realm. Within the context section, the *Guidelines* assess matters such as building height transition, protecting and/or enhancing views and vistas as well as respecting any nearby heritage buildings. The built form section assesses matters such as minimum lot areas and building separations appropriate for high-rise buildings. For an interior lot, the recommended minimum lot area for a high-rise building adjacent to a site that also permits a high-rise building is 1,800 square metres. This minimum lot area ensures a lot is of sufficient size to achieve appropriate tower separation, setback and stepbacks from one high-rise development to another. The minimum separation distance between towers should typically be 23 metres (a minimum 11.5 metre setback from the side and/or rear property lines when abutting another high-rise building). This distance may be reduced if circumstances permit, such as building faces being off set from one another. Finally, the pedestrian realm section provides guidance on creating safe and

attractive pedestrian spaces at the street level. A guideline within this section recommends locating vehicle drop-off and pickup areas at the rear of the property.

The property is also situated within the boundaries of the ByWard Market Heritage Conservation District, designated under Part V of the *Ontario Heritage Act*. In addition to applications required under the *Planning Act* for this development, the applicant must also receive approval under the *Ontario Heritage Act*. The applicant has not yet submitted a heritage application.

Urban Design Review Panel

The property is also within a Design Priority Area and the Zoning By-law amendment application is subject to the Urban Design Review Panel (UDRP) process. Prior to submitting the Zoning By-law amendment application, the applicant presented their proposal to the UDRP on June 7, 2018 for an Informal Review. As Informal Reviews take place prior to the submission of an application, the UDRP recommendations are confidential.

As the design did not progress significantly to address concerns raised by the Panel, the applicant did not return to the UDRP for a Formal Review meeting. If this zoning amendment application is approved, the project will return to the Urban Design Review Panel for a formal review and analysis through the Site Plan Control process.

Planning Rationale

The applicant seeks to remove the heritage overlay, increase the maximum height permitted, remove the angular height plane and amend the loading space provisions on this property.

The intent of the heritage overlay is to preserve the heritage character of the original building on the site. While the City does not necessarily expect development on this property to be limited to the two-storey heritage building that existed on the site in the 1970s, Schedule 74 (the height schedule which also applies to this site), further informs what scale of development may be contemplated for this property. The maximum building heights highlighted in Schedule 74 range from 11 metres at the front of the site (York Street) to 50 metres at the rear of the site. The overall intent of these varying building heights is to ensure adequate transition is provided from the low-profile character of the ByWard Market Heritage Conservation District, to the higher-profile development proposed behind the site and situated outside of the heritage district. Planning staff are of the opinion that the proposed design provides inadequate transition and the scale of the development represents an overdevelopment of this narrow, interior lot.

The proposal does not align with the broader planning and heritage policies and design guidelines applicable to this site and type of development.

Firstly, the proposal does not meet the overall intent and vision for the Central Area policies described in Section 3.6.6 of the Official Plan. York Street is identified in the plan as an entrance to and promenade through the ByWard Market with a significant heritage character. The sun shadow study submitted with the application shows how the proposed height of the building will create new shadows along York Street, adversely affecting pedestrian comfort and heritage character along this key corridor. The wide loading and parking garage entrance along York Street is a predominant ground floor feature of the proposal that will not provide animation to the street and will diminish the City's vision for York Street as a pedestrian promenade.

Secondly, the proposal also does not meet the Lowertown Character Area policies provided in the Central Area Secondary Plan. The vision for Lowertown is to develop into a predominately-residential urban neighbourhood. The neighbourhood will also permit a mix of uses within heritage and within sensitively designed newer buildings, which respect the character and scale of nearby heritage buildings. While staff acknowledge that the hotel is a permitted use on this site, staff are particularly concerned with the applicant's request to build a high-rise building to the lot lines. Staff are concerned that the absence of setbacks and inadequate tower separation on this property along with other potential future developments, will create a towering wall along the street edge. This potential condition will have direct quality of life impacts for pedestrians and for residents on adjacent properties, with no access to light at the rear or sides and create issues of air flow and adverse wind conditions. With respect to heritage, this proposed high-rise provides inadequate transition to nearby buildings. Properties along the north and south side of York are situated within the ByWard Market Heritage Conservation District, while the adjacent properties fronting on George street are situated outside of the District. Further, the Andaz Hotel, while situated within the District, represents a historical building within this area and is located at the intersection of two major roads, where greater heights may be expected. This proposal jumps extra height to the interior of the block, where without the anticipated stepbacks and separation, it creates a development with negative planning implications, and as opposed to being on a corner, where greater height can be more readily accepted.

Thirdly, staff also assessed the proposal using the urban design and compatibility policies found in Section 2.5.1 and Section 4.11 of the Official Plan. Staff's position is that the proposal will not fit well into its context and the functions that surround it for reasons already noted above. As indicated in Policy 8 of Section 4.11 of the Plan, high-rise buildings may be located within the Central Area designation. However, this high-

rise proposal does not meet Policies 9, 11 and 12 in Section 4.11, the sections, which provide specific direction on building compatibility and transition. The scale, massing and height does not relate well to its neighbours, for reasons expressed in greater detail in the next paragraph of this report.

In this regard, staff used the recently adopted Council-approved *Urban Design Guidelines for High-Rise Buildings* for direction on evaluating this proposal. Staff will use a few examples below to explain how this proposal does not respond well to the direction provided in these *Guidelines*. The *Guidelines* recommend an 1,800-square metre minimum lot area for a high-rise building that is adjacent to a site that also may permit a high-rise building. This minimum lot area ensures a lot is of sufficient size to achieve appropriate tower separation, setback and stepbacks from one high-rise development to another. This site is of insufficient size for a high-rise development. With a total lot area of 1,016 square metres, the site is missing 44 per cent of the minimum lot area specified in the *Guidelines*. The *Guidelines* also recommend a minimum separation distance between towers of 23 metres (or a minimum 11.5-metre setback from the side and/or rear property lines when abutting another high-rise building) and while the guidelines allow for this setback to be reduced, this application proposes no setback from the side and/or rear property lines. Finally, the *Guidelines* recommend locating drop-off and pickup areas at the rear of the property. With the vehicular entrance proposed along York Street, and a building constructed to the lot line, there is no opportunity for a shared driveway.

As this property is situated within the boundaries of the ByWard Market Heritage Conservation District, the appropriateness of the proposal also must be examined through a separate heritage application process. Heritage staff have not yet received a heritage application for this development but concur that the proposed development is not compatible with the character of the ByWard Market Heritage Conservation District. Nevertheless, because of the planning concerns associated with the proposal, staff are bringing forward this rezoning report for consideration by Committee and Council.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is not consistent with the Provincial Policy Statement, 2014. For reasons provided in this report, staff are of the view that the proposal conflicts with the policies promoting 'healthy, liveable and safe communities' and 'respecting cultural heritage resources'.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Fleury provided the following comments:

While redevelopment of surface parking lots is an important piece of developing within the downtown core, proper interaction between Heritage Conservation Districts and downtown main streets is vital to ensure appropriate development and HCDs need to be respected and considered throughout the process.

LEGAL IMPLICATIONS

The applicant has appealed this matter to the Local Planning Appeal Tribunal as a decision had not been made within the statutory timeline.

If the recommendation is adopted, it is expected that a five-day hearing will result. It is anticipated that the hearing can be conducted within staff resources. The staff report would constitute the reasons for the refusal of the item.

Should Council determine to adopt the Zoning By-law requested by the applicant, and the matter is appealed to the Tribunal by a third party, it would be necessary for the City to retain an external planner and possibly a heritage consultant.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

The recommendations of this report are consistent with the Comprehensive Asset Management Plan and support good planning practices with respect to already existing infrastructure.

FINANCIAL IMPLICATIONS

Potential financial implications are within the above Legal Implications. In the event that external resources are retained, the expense would be absorbed from within Planning, Infrastructure and Economic Development's operating budget.

ACCESSIBILITY IMPACTS

Design considerations with respect to accessibility are not a key consideration of this rezoning application. If the application is approved, accessibility impacts will be assessed in greater detail through the site plan control process.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

- EP2 – Support growth of local economy.

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of issues associated with this file.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Documents 2 (a) Proposed Development: Elevations

Documents 2 (b) Proposed Development: Elevations

Document 3 Proposed Ground Floor Plan

Document 4 Applicant's Requested Zoning Details

Document 5 Applicant's Requested Zoning Schedule

Document 6 Consultation Details

Document 7 Lowertown Community Association's comments

Document 8 Heritage Ottawa's comments

CONCLUSION

Planning, Infrastructure and Economic Development Department recommends refusal of this application. The proposed Zoning By-law amendment and associated high-rise hotel does not respond well to the applicable planning policies set out in the Official Plan and Central Area Secondary Plan. Staff's position is substantiated by how the proposal fails to meet the direction provided in the *Urban Design Guidelines for High-Rise Buildings*, particularly with respect to lot size, building separation, transition to neighbouring buildings, and the public realm. This site cannot accommodate a high-rise development. It does not fit well into its site context within the ByWard Market Heritage Conservation District. It does not meet the minimum lot size for a high-rise building, provides no building separation or inadequate transition to neighbouring buildings. Finally, the wide parking garage entrance along York Street detracts from the City's

overall vision for York Street being a primary pedestrian corridor through the ByWard Market neighbourhood. Staff conclude that the proposed height is incompatible and out of context with the neighbourhood and represents overbuilding of the site.

Zoning Provisions

While it is the department's recommendation that this application for rezoning be refused, should Committee and Council wish to approve this proposal, Document 4 contains the provisions that would permit the proposal.

DISPOSITION

Legislative Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (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.

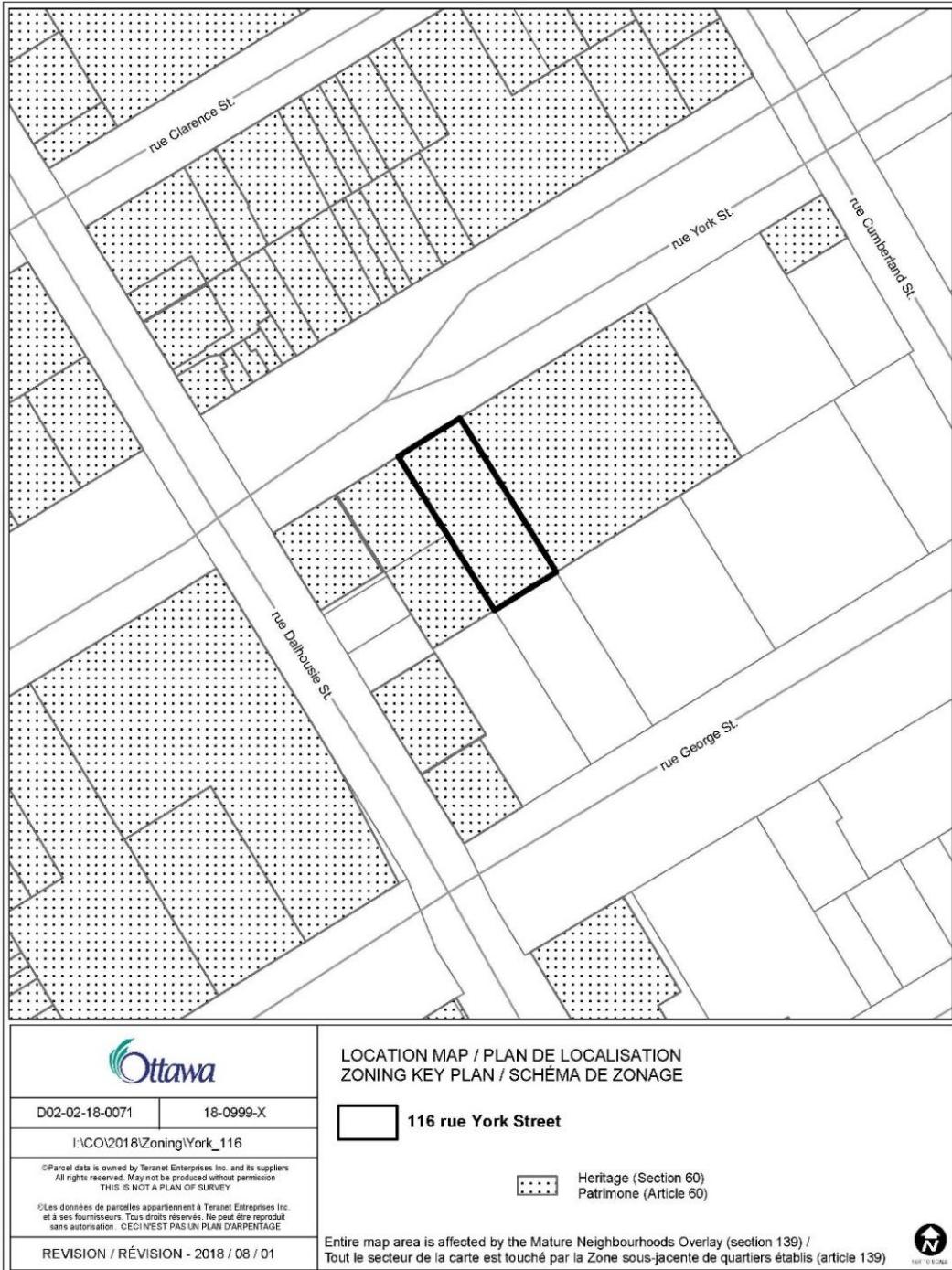
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

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

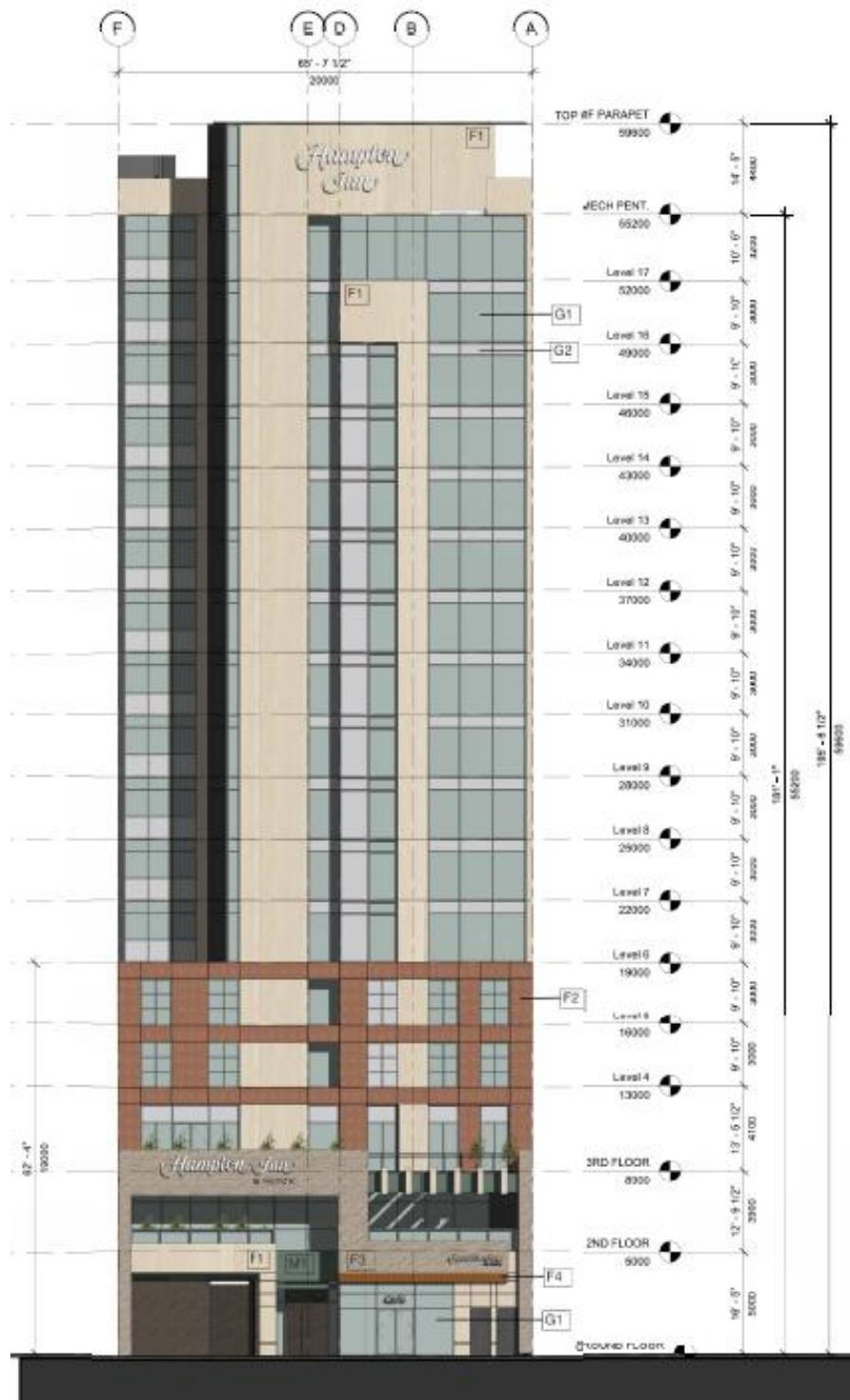
Document 1 – Location Map

For an interactive Zoning map of Ottawa visit [geoOttawa](http://geoOttawa.ca).

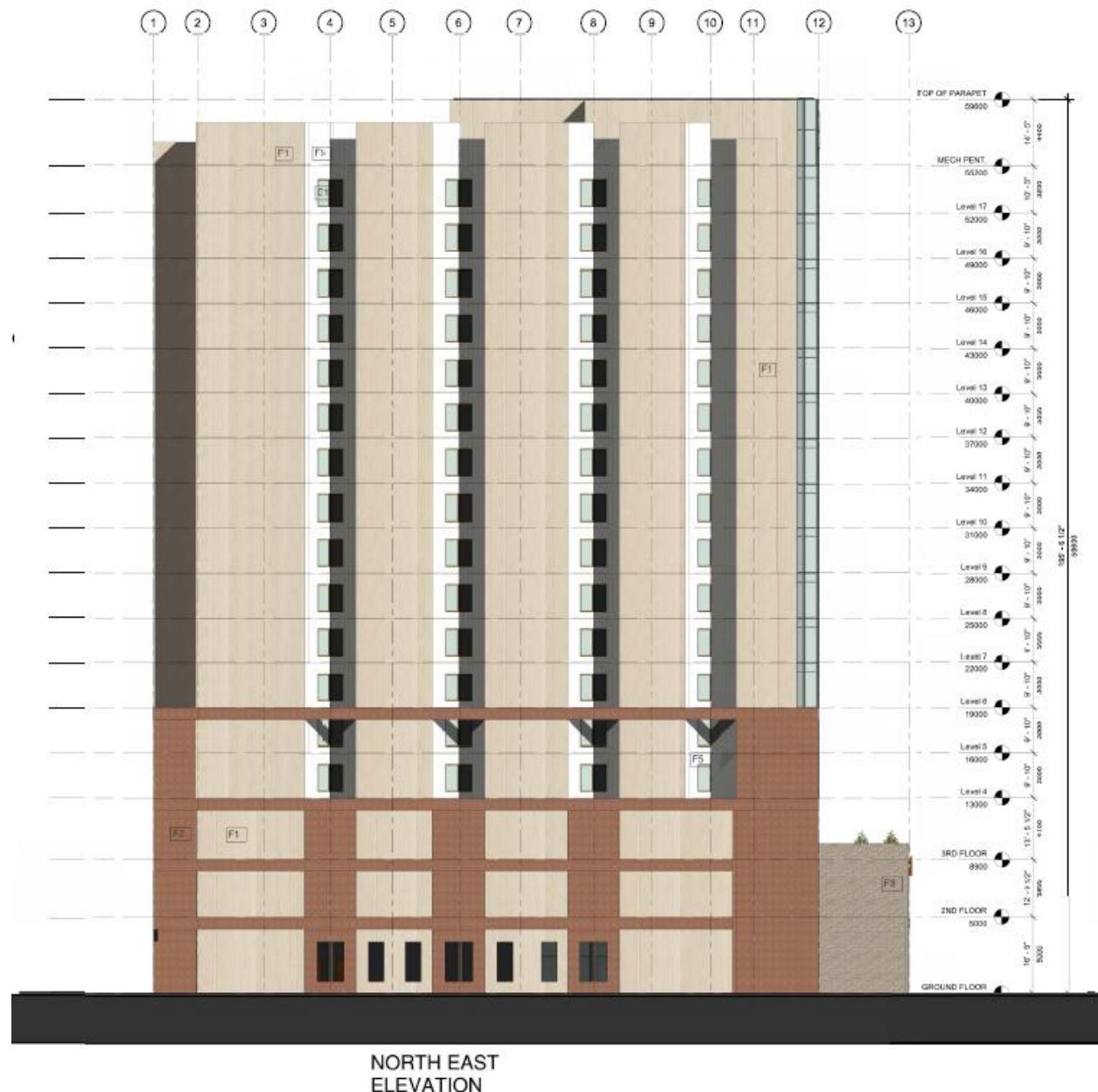
The property is located in the ByWard Market neighbourhood, on the south side of York Street, 40 metres east of the York and Dalhousie Street intersection.



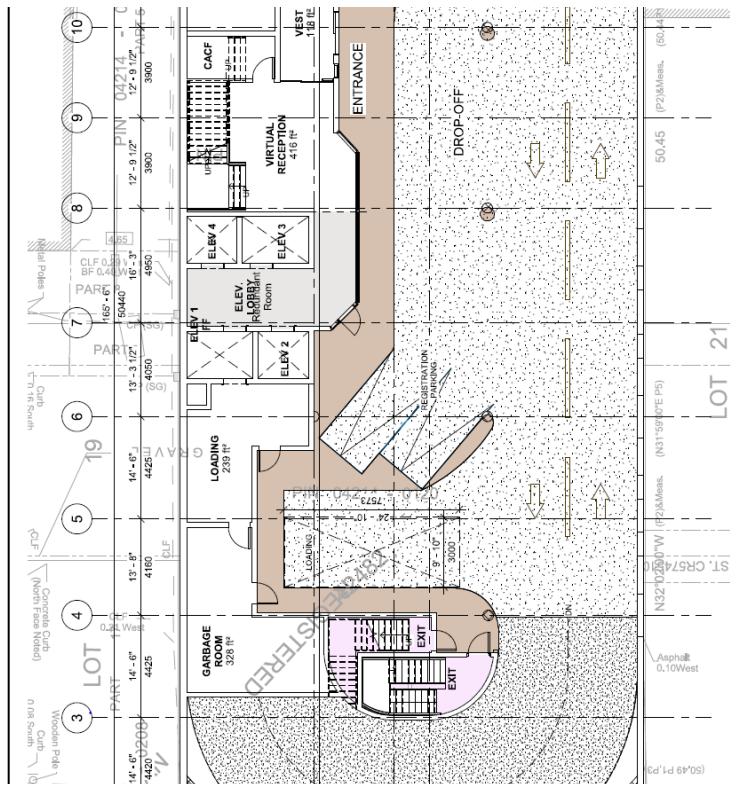
Document 2 (a) – Proposed Development: York Street Elevation



Document 2 (b) – Proposed Development: North East Elevation



Document 3 – Proposed Ground Floor Plan



Document 4 – Applicant’s Requested Zoning Details

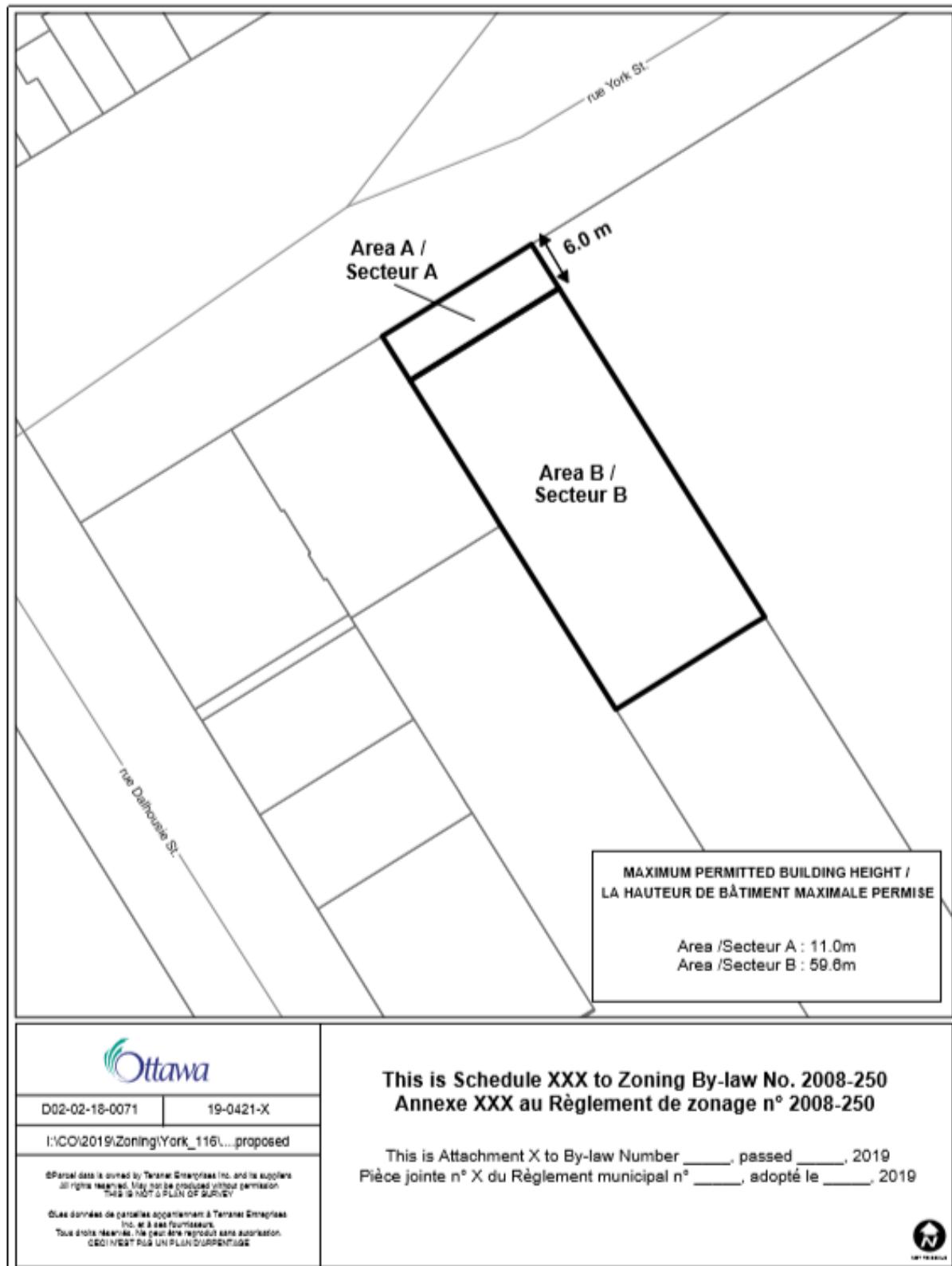
The applicant is proposing the following change to the City of Ottawa Zoning By-law No. 2008-250 for 116 York Street:

1. Amend Schedule 74 as shown on Document 5.
2. Amend Section 239 – Urban Exceptions, by amending Exception 113 with provisions similar in effect to the following:

In Column V, add the following:

- Section 60 does not apply
- Despite Section 113:
 - a) One loading space is required
 - b) The minimum width of a loading space: 3.0 metres

Document 5 – Applicant's Requested Zoning Schedule



Document 6 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

Public Comments and Responses

Comments were received from 11 public comments in response to this application. One comment in support and 10 comments in opposition. Staff also received comments from the Lowertown Community Association (see Document 6) and Heritage Ottawa (see Document 7).

Please see the below summary of public comments, organized under common themes:

Comment: Height/Lack of Angular Plane

- Concern that the proposal violates the angular plane.
- Concern about setting precedent for high rise in ByWard Market.
- Setbacks are dismissed because they add complexity and costs to construction.
- The adjacent Andaz Hotel is 16 storey – and not 15 stories as noted in the Application Summary and Planning Rationale.
- Five-storey buildings should be the new minimum, in and directly around the Market.
- The existing heights permitted by Schedule 74 should be more than sufficient. The transitioning feature with an angular plane would make for an interesting design.
- A disappointing example of height and bulkiness is the Andaz Hotel. It is so much higher than the nearby buildings, creating a visual disharmony.
- Lot is too narrow for a high-rise building.

Response:

Through the rationale of this report, staff have expressed their concern with the proposed height at this location.

Comment: Heritage/ Impact on Lowertown neighbourhood/ ByWard Market.

- Clear that surface parking is not the best use of land, but the proposed hotel is in direct opposition to the recommendations of the ByWard Market Heritage Conservation District Study.
- There is not a single redeeming feature for this building, architecturally. The City must seriously consider the long-term appearance and character of the Market area and defend its heritage. This does not exclude imaginative, contemporary architectural design.
- Need to protect the charm, independently owned businesses, the sense of space and openness, warmth, historical designation and natural light in the ByWard Market. The proposed hotel is not an independently owned business and the height will have negative impacts on the ByWard Market.

Response:

Staff are also concerned with the potential adverse impact of this building on the ByWard Market Heritage Conservation District.

Comment: Shadowing/Access to light

- York Street from Dalhousie to Cumberland has a median with trees, art work that could be overshadowed by yet another large building.

Response:

- Staff have also assessed the shadowing impact on York Street, an important pedestrian corridor in the Byward Market neighbourhood.

Comment: Cumulative impact

- Potential that this high-rise proposal in combination with other adjacent high rises will create a wall effect. Proposal should not be reviewed in isolation to other proposed and/or approved projects in the area.

Response:

Staff agree that the application has not adequately assessed its potential impact in combination with other proposals in the immediate area.

Comment: Views

- Concern that it will block views/sightlines across the Market, and to the Gatineau

Hills.

Response:

The site is located outside of the 'Central Area Key Viewpoints of the Parliament Buildings and Other National Symbols' described in Annex 8A in the Official Plan.

Comment: Impact on future hotel users

- Concern with proximity to Andaz Hotel and the associated impact on the hotel users.

Response:

Staff are also concerned with the quality of life impacts on the users of all adjacent proposed and/or approved development projects.

Comment: Traffic

- High-rises result in traffic congestion, risk of harm to pedestrians and hotel guests.
- The Market is already overburdened with traffic and parking. This will bring more traffic and congestion to the Market.

Response:

If the Zoning By-law amendment is approved, transportation impacts will be studied in greater detail through the site plan control process.

Comment: Loading

- The hotel will have large amounts of maintenance and supplies providers. With only one loading space, that will be a problem.

Response:

Staff are concerned with the location of the proposed loading space. Staff would prefer that the owner coordinate with adjacent property owners to share loading facilities and eliminate the driveway along York Street.

Comment: Building Design

- A hotel needs a reasonable access to its front door.

Response:

Staff echo the comments made by the Urban Design Review Panel that the design of this project could be improved.

Comment: Proximity of other hotels

- There are already two hotels very close to this site

Response:

- A hotel is a permitted use on this property.

Document 7 – Lowertown Community Association Comments



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September 18, 2018

Kimberley Baldwin
 Planning Review
 Planning, Infrastructure and Economic Development
 City of Ottawa
 110 Laurier Avenue West, 4th Floor
 Ottawa, ON K1P 1J1

Cc. Councillor Mathieu Fleury

Sent via email to: Kimberley.baldwin@ottawa.ca

Reference: 116 York Street, Zoning By-law Amendment D02-02-18-0071

Dear Ms. Baldwin,

The Lowertown Community Association (LCA) has serious concerns about the very large hotel that is proposed for this site and is opposed to the application. It clearly violates the requirements of Section 60 of the Zoning By-law (Heritage Overlay) and will have a negative impact on the ByWard Market Heritage Conservation District (BMHCD) in which it would be located. The PPS is clear and in 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The heritage overlay provision is an overarching instrument intended not only to protect individual buildings but also the neighbourhood character. *The comprehensive zoning By-law will include heritage overlay provisions to ensure the development of cultural heritage resources and that the development of properties adjacent to cultural heritage resources achieve the objective of conserving our cultural heritage.* (OP 2.2.9) That 116 York Street has been a vacant lot for nearly 30 years does not mean it lacks importance as part of the streetscape and cultural heritage landscape, in this case of the ByWard Market HCD. As a placeholder for a building of a similar massing and height and immediately adjacent to the historic Major building designed in 1913 and the original home of National Grocers Ltd., it is an important element in the HCD. Furthermore, the York Street streetscape east of Dalhousie must be protected from shadowing: it is identified in the HCD as being distinctive as the area's only historic public green space. The construction of a 19 storey building significantly violates the intent of Section 60 and adversely affects elements of the local character of the HCD.

The redevelopment of the block began with a proposal to repurpose the then existing 1960's Union du Canada building, whose height was "grandfathered" in the HCD zoning into a hotel. This proposal was leveraged by Claridge Developments to obtain approval for the much taller 19 storey Andaz Hotel on the site. In May of this year, Claridge proposed to double the size of the hotel with an addition to the Andaz that abuts the property at 116 York Street. Both proposals wish to exceed the height limits established in the HCD in part based on the argument that that neither will exceed the height of the existing Andaz Hotel. The LCA contends that any reference to the Andaz Hotel as a character defining element in the ByWard Market HCD is simply inaccurate and deceptive. It is an anomaly in the HCD as was its predecessor, the Union du Canada building.

The application for 116 York Street also suggests that respecting the limits established in the HCD would result in "...the inefficient use of valuable land." This statement is deceptive in that the HCD was created to protect the low-rise character of this part of Lowertown, more precisely to prevent the development of additional tall towers like the office tower that the Andaz Hotel replaced. This provision of the HCD must be respected.

Lowertown Community Association
Association communautaire de la BasseVille
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Moreover, the impact of this application must be considered together with all of the other buildings approved or proposed in or near the HCD along York Street, an important pedestrian entry way into the ByWard Market. Claridge already has approval to build a large 22 storey Condominium tower south of the Andaz Hotel fronting on George Street and is now proposing a large addition beside the hotel. The overall negative impact on the HCD, on neighbouring buildings and views from the ByWard Market of a wall of so many tall structures located so closely together will be enormous.

The LCA also has concerns with slight-of-hand references to other high-rise buildings "to the south" on Rideau Street as justification for this building proposal. These are references to buildings that are outside of the ByWard Market HCD and, thus, irrelevant. Equally irrelevant is the reference to 350 Cumberland Street as a comparison to the proposed podium and frontal design of the Hampton Inn. There doesn't appear to be any relationship between the 2 structures particularly when one considers that the front of the hotel will be about 75 percent entranceway and the remainder an unexceptional, ubiquitous glass-fronted coffee shop.

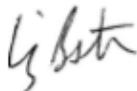
In a more general way, the proposed Hampton Inn threatens to deal yet another blow to the integrity of Lowertown's historic spaces, its ambience and its identity. It does not accommodate an appropriate range and mix of residential (including second units, affordable housing and housing for older persons)...recreation, park and open spaces and other uses to meet long-term needs. The project does not contribute single residential use in any "appropriate range and mix" nor does it contribute in any way to the promotion of healthy, livable and safe communities as required in Section 1.1.1 of the PPS.

The application for 116 York Street should not be considered in its present form, let alone approved, until the City has a mechanism in place to determine how it will fit with the existing hotel, the as yet unbuilt condo tower on George Street and the pending application for an addition to the Andaz Hotel. In this regard, the applications for the addition to the Andaz Hotel and for the Hampton Inn both ignore each other, that is pretend that the other doesn't exist. Consequently, many of the measurements such as wind and shadow studies in each application, and the claimed separation distance of 21 metres in the 116 York Street application are simply bogus, if one or the other applications is approved.

The proposed Hampton Inn, the Andaz Hotel, the proposed addition to the Andaz and a future condo tower do not fit in any way with character of the heritage conservation district, dwarfing the adjacent buildings on York Street, Dalhousie Street and George Street which, as stated in the Official Plan are to retain their existing low-profile building scale. The OP states that "City Council shall protect and enhance the heritage resources, character and features of Lowertown, and shall ensure sensitive development which respects the character and scale of nearby heritage buildings". The proposed development of the Hampton Inn Hotel is in conflict with the City's stated heritage responsibilities and should be rejected.

Thank you for the opportunity to comment.

Yours sincerely,



Liz Bernstein
President, Lowertown Community Association

Document 8 – Heritage Ottawa Comments



19 September 2018

To: Kimberley Baldwin, Planning Review | Planning, Infrastructure and Economic Development

Re: Heritage Ottawa comments on 116 York Street, Zoning By-law Amendment D02-02-18-0071

Heritage Ottawa has reviewed the proposal for redevelopment and application for relief from Zoning By-law provisions related to the property located at 116 York Street, in the Byward Market Heritage Conservation District (BMHCD). The following comments specifically address the protection of heritage character and the cultural heritage landscape of the BMHCD. Heritage Ottawa is opposed to this proposal as presented since it ignores central recommendations of the BMHCD Study. We note the following.

Height and Massing

The BMHCD Study recommends only low-rise development as a means of protecting and maintaining the heritage value and character of the district, which is largely characterized by small scale individual buildings. While Heritage Ottawa accepts relief from the Heritage Overlay provisions, we oppose relief from the height and angular plane provisions of the Zoning By-law. As noted in the Planning Rationale prepared for the proponent, the angular plane is intended to achieve built form objectives, which includes protecting and prioritizing the predominant low-scale form that characterizes the Byward Market HCD. The proponent argues that the angular plane makes “prohibitively small” floor areas above the 10th floor. However, the solution is not to permit additional height. Rather, creative solutions to stepping back the building will be required as the height approaches the maximum allowable height of 50.0 metres.

Moreover, the transition from low-rise podium to high-rise tower is not successful. Accepting that the south elevation of the tower will attain a height of 50.0 metres, in no circumstance should the tower portion rise as a singular extruded mass. Articulation and progressive stepping back is required to provide visual relief and to minimize the effect of height. Relief from the angular plane provision should therefore not be granted.

Elsewhere, the massing and height of the podium are acceptable, and consistent with the BMHCD guidelines. It is acknowledged that the proposed treatment and massing of the podium attempts to establish a relationship with the adjacent S.J. Major Building and other lower-scale development.

Context

The Planning Rationale provided by the proponent fails to mention the *Provincial Policy Statement*, which states that “*significant cultural heritage landscapes shall be conserved.*” This policy applies to

Planning Act approvals, not just *Heritage Act* applications. While extra height may be tolerated at the fringes of the HCD, these allowable heights are already captured in the existing Zoning By-law provisions. Additional heights should therefore not be permitted as they threaten the integrity and identity of the BMHCD as a low-scale urban area.

The rationale that extra height and massing should be permitted because of adjacent tall-building development both inside and outside the District is not accepted. There is no requirement to be consistent with the height of 325 Dalhousie, or any other tall building in or outside the HCD. The height and massing of the property at 325 Dalhousie Street (in both its previous and current forms) is an anomaly in the HCD.

Rather, this development proposal should rely on the guidance in the BMHCD Study, which recommends that the height of infill developments consider adjacent *heritage* properties (section 4.3.2). The critical relationship that this development must establish is with the heritage context, not newer or recent developments.

Heritage Ottawa supports the Lowertown Community Association (LCA) position that this application must be considered in the context of the concurrent proposed developments at 110 York and 137-141 George Street. If these developments were approved, it would create a monolithic mass of tall buildings that would be highly undesirable for the Byward Market HCD and would threaten its integrity as a low-scale urban area.

Setbacks and Streetscape

As highlighted in the CHIS, the BMHCD recommends that infill projects be combined with "*aggressive streetscape improvements*" (section 4.3.3). The footprint of the proposed building covers the entire site, with no allowance for street trees. Consideration should be given to greening the lot frontage.

Application Process

Finally, Heritage Ottawa is concerned that the re-zoning application has preceded an application under the *Ontario Heritage Act*. It is our understanding that developments of this nature are required to obtain heritage approvals *before* the planning approvals. We request that the City clarify the current policy on these application approval processes.

Sincerely,



David Jeanes
President, Heritage Ottawa

Cc: Lowertown Community Association; Mathieu Fleury.