

**6. Zoning By-Law Amendment – 429 Maclaren Street**  
**Modification au règlement de zonage – 429, rue MacLaren**

**COMMITTEE RECOMMENDATION**

**That Council approve an amendment to Zoning By-law 2008-250 for 429 MacLaren Street to permit office, medical facility and personal service business within an existing building, as detailed in Document 2.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve une modification du Règlement de zonage 2008-250 visant le 429, rue MacLaren, afin de permettre l'aménagement d'un bureau, d'une clinique et d'une entreprise de services personnels dans un bâtiment existant, comme le précise le document 2.**

**DOCUMENTATION/DOCUMENTATION**

1. Director's Report, Planning Services, Planning, Infrastructure and Economic Development Department, dated February 28, 2019 (ACS2019-PIE-PS-0027)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 28 février 2019 (ACS2019-PIE-PS-0027)

2. Summary of Written and Oral Submissions to be issued separately with the Council agenda for its meeting of April 24, 2019, in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council meeting of April 10, 2019".

Résumé des observations écrites et orales à distribuer séparément avec l'ordre du jour de la réunion du 24 avril 2019 du Conseil, dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73, à la réunion du Conseil municipal prévue le 10 avril 2019 ».

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme  
28 March 2019 / 28 mars 2019**

**and Council  
et au Conseil  
10 April 2019 / 10 avril 2019**

**Submitted on 28 February 2019  
Soumis le 28 février 2019**

**Submitted by  
Soumis par:**

**Lee Ann Snedden  
Director / Directrice**

**Planning Services / Services de la planification  
Planning, Infrastructure and Economic Development Department / Direction  
générale de la planification, de l'infrastructure et du développement économique**

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**Ward: SOMERSET (14)**

**File Number: ACS2019-PIE-PS-0027**

**SUBJECT: Zoning By-law Amendment – 429 MacLaren Street**

**OBJET: Modification au règlement de zonage – 429, rue MacLaren**

#### **REPORT RECOMMENDATIONS**

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 429 MacLaren Street to permit office, medical facility and personal service business within an existing building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of April 10, 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 d'approuver une modification du *Règlement de zonage 2008-250* visant le 429, rue MacLaren, afin de permettre l'aménagement d'un bureau, d'une clinique et d'une entreprise de services personnels dans un bâtiment existant, 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 de l'avocat général 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 du projet de loi 73, à la réunion du Conseil municipal prévue le 10 avril 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.

## 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

429 MacLaren Street

**Owner**

Paul Valletta and Bruno Racine

**Applicant**

Altira Design and Construction (Muhanan Joudeh)

**Description of site and surroundings**

The property is located on the north side of McLaren Street between Kent Street and Bank Street in the Centretown Community. Lands to the north, west, east and south consist of a mixture of primarily residential housing with a number of properties along the south side of MacLaren Street having been converted to professional office spaces.

The property has 13.71 metres of frontage on the north side of MacLaren Street, a depth of 33.51 metres and an overall lot area of 459 square metres. A three-storey building currently exists on site and is used as a hair salon business, and residential apartments. The basement is used for storage purposes.

**Summary of requested Zoning By-law amendment proposal**

The intent of this application is to permit the following uses:

- Office
- Medical Facility
- Personal Service Business

The existing building will be retained and no exterior changes are being proposed to the building. An illegal parking space exists at the front of the property; however, the applicant has expressed an intent to make some modifications to the paved area so that a car cannot park in the front of the building. Five parking spaces are located at the rear of the building, which are accessed through a private driveway at the side of the building.

**Brief history of proposal**

In 2014 an application was heard by the Committee of Adjustment for a Permission (D08-02-14/A-00161) to expand the existing legal non-conforming use of a hair salon business. At the time, the business occupied the first and second floor of the building,

and a dwelling unit was located on the third floor. The owners wished to replace the existing two-storey rear addition with a new three-storey rear addition, and proposed to expand the hair salon business to the entire third floor of the building, with the basement to be used for storage purposes only. The application was approved on June 4, 2014.

## **DISCUSSION**

### **Public consultation**

Notification and public consultation was undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications. Two individuals expressed interest in the proposal as a result of the notification process, offered comments, and wished to be kept informed.

For this proposal's consultation details, see Document 3 of this report.

### **Official Plan designation**

The property is designated General Urban Area on Schedule B of the Official Plan, which permits a wide mix of different uses.

### **Other applicable policies and guidelines**

The property is designated Residential Mixed Use on Schedule H1 of the Centretown Secondary Plan, which permits small-scale commercial uses such as personal services, medical facilities, offices and daycares within the portions of the Central Character Area historically occupied by houses and other low-rise housing forms.

### **Planning rationale**

#### **Provincial Policy Statement**

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), 2014, a document that provides further policies on matters of Provincial interest related to land use development.

The recommended Zoning By-law amendment is considered consistent with the matters of Provincial interest as outlined in the *Planning Act* and is in keeping with the PPS, 2014 by accommodating for a wide range of uses to efficiently occupy serviced lands, based on local conditions.

### Official Plan

The property is designated General Urban Area on Schedule B of the Official Plan. The General Urban Area designation permits the development of a full range and choice of housing types, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. This designation is meant to facilitate the development of complete and sustainable communities.

The proposal is to formalize a legal non-conforming personal service use, as well as to introduce an office use and medical facility use, all of which are common within the General Urban designation.

### Secondary Plan

The property is designated Residential Mixed Use on Schedule H1 of the Centretown Secondary Plan, which permits small-scale commercial uses such as personal services, medical facilities, offices and daycares within the portions of the Central Character Area historically occupied by houses and other low-rise housing forms.

Section 3.9.4.1 of the Secondary Plan states that “permitted non-residential uses shall be restricted to the first two floors and the basement and shall not occupy more than 50 per cent of the gross floor area of the building, with the exception of those existing buildings containing legally established non-residential uses.” Given that the existing personal service use (hair salon) is permitted through legal non-conforming rights and that a 2014 Permission application allowed it to expand to the entirety of the building, the proposed Zoning Amendment can be allowed under the Secondary Plan.

Section 3.4.1 of the Secondary Plan outlines one of its objectives as being to improve the pedestrian comfort and image of primary streets, as well as to plant new trees in public open spaces and right-of-ways. The applicant has attempted to achieve this by adding some landscaping at the front of the property, where there currently exists an illegal front yard parking space.

### Zoning By-law 2008-250

The property is currently zoned R4M[479] in Zoning By-law 2008-250. While the R4 zone’s main purpose is to allow a wide mix of residential buildings, it also identifies the need to allow for ancillary uses which would allow residents to work from home, and also to regulate development in a manner that is compatible with the existing land use

pattern. Special Exception 479 simply allows dwelling units as a permitted use. The intent is to carry this over to the new exception.

A look at the local context will reveal that the property immediately to the west of the site (441 MacLaren Street) is a four-storey office building which is also in an R4 zone and contains a legal office and a dental office amongst its tenants. Furthermore, some of the properties on the south side of MacLaren Street, which are located in an R4T zone, contain both residential and professional office/medical space uses.

The building is currently legally permitted to contain non-residential uses in its entirety. The addition of new uses and the formalizing of an existing legal non-conforming use will not intensify the level of non-residential activity in the building, but rather re-allocate it to different types of non-residential use.

The parking requirements is one space per 100 square metres of gross floor area for an office use, 1.25 spaces per 100 square metres for a personal service business and two spaces per 100 square metres for a medical facility. Parking is not required for the first 12 units of a residential building. In order to ensure that the parking requirements are met on site, the medical facility use would be limited to an area of 150 square metres in the building. Knowing that the building has a total area of 305 square metres, and assuming that the remaining 155 square metres would be occupied by a personal service business, then the required parking spaces as per the Zoning By-law would be a total of five spaces (three for the medical facility and two for the personal service business.) The five parking spaces available at the back of the property are therefore sufficient to support the uses and meet the Zoning By-law's minimum parking requirements. The illegal front yard parking space is not factored into this calculation. The owner intends on meeting the Zoning By-law's bicycle parking requirements by installing three bicycle parking spaces at the front of the building. There will otherwise be no exterior changes brought to the site or the building.

Given the alignment with the Secondary Plan, the existing legal non-conforming use on the site, as well as the similar uses present within the local context, staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for this site.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **COMMENTS BY THE WARD COUNCILLOR**

Councillor McKenney is aware of the report.

## **LEGAL IMPLICATIONS**

There are no legal impediments with respect to implementing the recommendation contained within this report.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **ASSET MANAGEMENT IMPLICATIONS**

There are no asset management implications associated with the recommendations of this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report. Any Ontario Building Code requirements for accessibility will be imposed at the building permit stage.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

## **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

C2 – Enable the achievement of [enterprises'] short and long term success

EP2 – Support growth of local economy

## **APPLICATION PROCESS TIMELINE STATUS**

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.



## **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Proposed Zoning By-law Amendment

Document 3 Consultation Details

Document 4 Site Plan

## **CONCLUSION**

The Planning, Infrastructure and Economic Development department supports the proposed Zoning By-law amendment. The proposal is consistent with the Official Plan policies for the General Urban Area as well as with the Centretown Secondary Plan policies for the Residential Mixed-Use designation. The proposed Zoning By-law amendment is appropriate for the site, and the amendment represents good planning. For these reasons, staff recommends approval of the Zoning By-law amendment.

## **DISPOSITION**

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; applicant; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; 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.

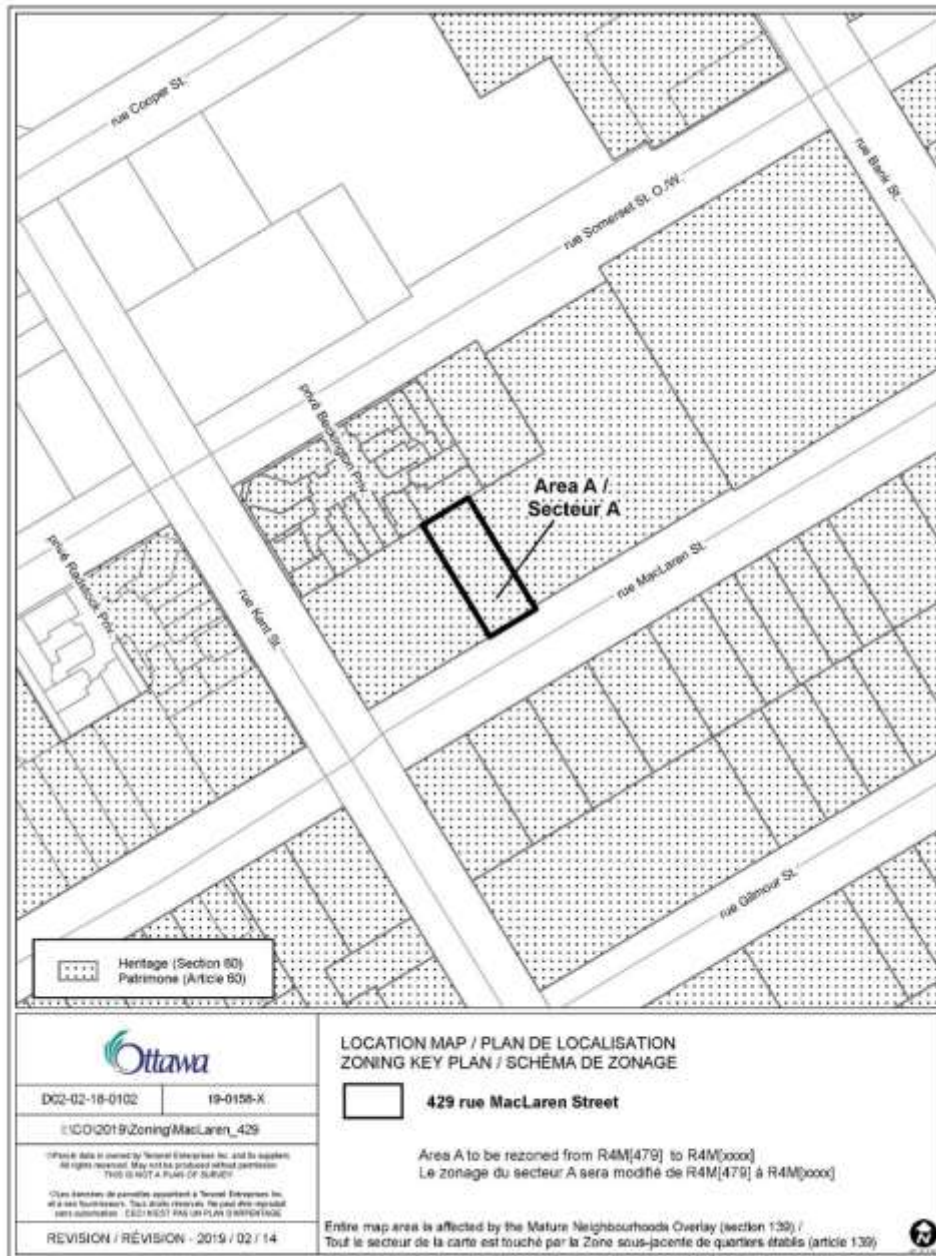
Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

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)

A map showing the location of the property at 429 MacLaren Street, east of the Kent Street intersection.



## **Document 2 – Details of Recommended Zoning**

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 429 MacLaren Street:

1. Area A shown on Document 1 to be rezoned from R4M[479] to R4M[xxxx]
2. Add a new exception, R4M[xxxx] to Section 239, Urban Exceptions, introducing provisions similar in effect to the following:
  - a. In Column II, Applicable Zoning, add the text, "R4M[xxxx]";
  - b. In Column III, Additional Land Uses Permitted, add the following text,
    - i. "dwelling unit",
    - ii. "office",
    - iii. "personal service business",
    - iv. "medical facility, limited to 150 square metres in gross floor area".

## **Document 3 – Consultation Details**

### **Notification and Consultation Process**

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

### **Public Comments and Responses**

Comment 1:

Would the Personal Service use allow the sale of cannabis products?

Response 1:

No. In order to sell cannabis products, a Retail use must be permitted on the site. A Retail use is not being proposed for this site.

Comment 2:

As abutting neighbours we've had an excellent relationship with the owners for the past 11 or so years.

Document 4 – Site Plan

