

Report to/Rapport au :

Planning Committee
Comité de l'urbanisme

and Council / et au Conseil

March 21, 2013
21 mars 2013

Submitted by/Soumis par : Nancy Schepers, Deputy City Manager/Directrice municipale adjointe, Planning and Infrastructure/Urbanisme et Infrastructure

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Rideau-Vanier (12)

Ref N°:ACS2013-PAI-PGM-0075

SUBJECT: ZONING – 333 KING EDWARD AVENUE

OBJET : ZONAGE – 333, AVENUE KING EDWARD

REPORT RECOMMENDATION

That Planning Committee recommend Council approve an amendment to the Zoning By-law 2008-250 to change the zoning of 333 King Edward Avenue from General Mixed-Use GM1 [13] F(1.0) H(11.0) to a new General Mixed-Use GM1 [xxxx] H(12.0), as shown on Document 1 and detailed in Document 2.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant à changer la désignation de zonage actuelle de la propriété située au 333, avenue King Edward, soit zone d'utilisations polyvalentes générale GM1 [13] F(1.0) H(11.0), et à la remplacer par une nouvelle zone d'utilisations polyvalentes générale GM1 [xxxx] H(12.0), comme l'illustre le document 1 et le précise le document 2.

BACKGROUND

The site is located on the east side of King Edward Avenue near the intersection of York Street. The 1,351 square metre property is currently occupied by one building (La Nouvelle Scène Theatre). The existing one-storey building covers 94 per cent of the site. A one metre strip of land runs east/west along the south property line. The surrounding lands comprise of a mix of uses (institutional, commercial, office, residential) along King Edward Avenue, and a light industrial use building abutting the property at the rear (east side).

The applicant is proposing to demolish the existing one-storey, 1267 square metre building, and replace it with a three-storey, 2975 square metre building. The tenancy will remain the same. Parking never has been provided on-site and the size of the new theatre building requires that nine new parking spaces be provided.

Purpose

In order to redevelop the site as proposed, the applicant has applied to amend the Zoning By-law to change the zoning of the property from GM1[13] F(1.0) H(11) – General Mixed-Use Zone to a new GM – General Mixed-Use Zone with exceptions. These exceptions include, additional parking not be required for theatre use, reduction of the front yard setback, removal of the floor space index, and to continue permitting the use of theatre.

DISCUSSION

Planning Act and Provincial Policy Statement (PPS)

Section 2 of the *Planning Act* outlines those land use matters that are of Provincial interest, to which all City planning decisions shall have regard. The provincial interests that apply to the site include the appropriate location of growth and development and the promotion of development that is designed to be sustainable to support public transit and to be oriented to pedestrians.

In addition, the *Planning Act* requires that all City planning decisions be consistent with the PPS, a document that provides further policies on matters of provincial interest related to land use development. The PPS contains policies which indicate that there should be an appropriate mix of uses to support strong, liveable and healthy communities.

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 by promoting efficient use of land and existing infrastructure for the redevelopment of a theatre (La Nouvelle Scène), in proximity to existing daily transit and the Lowertown and By Ward Market communities. This approach to redevelopment is supportive of the long

term prosperity of the community and a form of building in keeping with the direction of the PPS.

Official Plan

The Official Plan designates the subject property as General Urban Area. Lands with this designation are to contain a full range of housing types and tenures to meet the needs of the population, along with conveniently located employment, retail, service, cultural, leisure, entertainment and industrial uses. The policies for the General Urban Area indicate that when considering a proposal for cultural and entertainment uses it is important to recognize the new development in relation to the existing built form and planned function and to consider its contribution for the area. The theatre use has existed for over 25 years and will continue to contribute cultural and entertainment uses to the area.

Key thrusts of the Official Plan for redevelopment are a focus on urban design and compatibility considerations. Urban design is an important component and is concerned with how buildings, landscapes and adjacent public spaces look and function together. Good urban design and quality architecture can create lively community places with distinctive character and meaningful connections between the existing surroundings.

With respect to compatibility, the Official Plan notes that in general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community 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. The Official Plan provides policies to assess compatibility, which are found in Sections 2.5.1 and 4.11.

Section 2.5.1 Design Objectives and Principles

Section 2.5.1 contains seven design objectives relating to how built environment should be addressed as the City matures and evolves. Although the theatre use has been in existence as an exception in the General Mixed-Use zone, the proposed redevelopment of the site (demolition of one-storey building and rebuild of three-storeys) has been evaluated in relation to this section of the Official Plan and the design objectives that are relevant to the applicant's proposal. The following discussion highlights how the proposed redevelopment relates to the Official Plan design objectives and principles.

The first design objective is to enhance the sense of community by creating and maintaining places with their own distinct identity. The proposed rezoning will allow for development that will meet this objective by incorporating a unique quality of architecture that will enhance and improve the image of the City.

In terms of City image, the new construction of the theatre building along a high volume traditional main street and scenic entry route to the downtown will serve to enrich the character of King Edward Avenue. As well the proposed increase in height from 11

metres to 12 metres is not expected to have any sun/shadow impact on the surrounding properties than that of a development permitted under the current zoning.

The second design objective relates to defining quality and private spaces through development. It is proposed to not require any parking which continues to eliminate a driveway from the pedestrian environment. The first floor will be set-back on average 2.5 metres from the front property line and the second and third floors will be built to the property line. This creates an inviting marquee-like space below the second and third floors allowing for an outdoor waiting space area that is protected from the elements. The building will also have a courtyard in the middle of the building which will link to the gathering space of the lobby that includes a café.

A third design objective to consider when evaluating a rezoning proposal is the ability of the proposal to create places that are safe, accessible, easy to get to and easy to move through. The proposal's close relationship to the street edge ensures that the building is easily accessible for pedestrians. The building frontage at-grade has been designed to be 90 per cent glazed, allowing the courtyard, lobby, and café to be visible from the public realm along King Edward Avenue.

Other design objective's to consider are the following:

- Allow the built form to evolve through architectural style and innovation and compliment the massing patterns, rhythm, character, and context;
- Provide for adaptability and diversity, by creating places that can evolve easily over time and that are characterized by variety and choice;
- Understand and respect natural processes and features, and to promote environmental sustainability in development; and
- Maximize energy efficiency and promoting sustainable design to reduce resource consumption, energy use and carbon footprint of the built environment.

The proposed development, both inherently and through its design, recognizes the importance of pedestrians and transit connections in the area. The building's innovative design and use will add to the vitality of the street life, and perhaps become a new landmark for the area. It is the Department's position that the applicant's proposal satisfies the design criteria contained in the Official Plan and will contribute to a positive urban design experience.

Section 4.11 – Urban Design and Compatibility

This section of the Official Plan indicates that with respect to traffic, roads should have sufficient capacity to accommodate the traffic generated. Generally, development that has the potential to generate significant vehicular traffic should be located on arterial or major collector roadways so as to minimize the potential for traffic infiltration on minor collector roads and local streets.

King Edward Avenue is an arterial roadway which can continue to accommodate the theatre use with associated offices. Based on the size of the new building, the proposal

does not generate the need for a Transportation Impact Study or a Transportation Overview. Nevertheless, the applicant did submit a Transportation Brief which concluded that the slight increase in traffic is negligible and will not affect the area's transportation network. The site's location also provides alternative forms of transportation. City staff agrees with the conclusion of the brief submitted to support the application.

Performance Standards Modifications

Existing Zoning

The existing zoning is GM1 [13] F(1.0) H(11.0) – General Mixed-Use exception zone. Exception [13] permits a theatre as an additional use to what is permitted in the standard General Mixed-Use zone. The floor space index (F(1.0)) indicates that a building with the gross floor area the same size as the lot area can be built while respecting the height limit of 11 metres (H(11.0)) and yard setbacks. The General Mixed-Use zone permits a wide variety of uses such as employment, retail, service, cultural, leisure and residential. The GM1 subzone indicates that no more than 50 per cent of the permitted floor space index may be used for all permitted uses with the exception of all residential uses and the following other uses; community centre, community health and resource centre, day care and library.

Proposed Zoning

The rezoning application is requesting an increase in height, reduction in the amount of parking, minimum yard requirements, minimum width of landscaped area abutting a street, loading space requirements, and removal of the floor space index. Also, by creating a new exception zone, it is proposed to continue to maintain theatre as an additional use to the new GM – General Mixed-Use exception zone.

The request for increased height from 11 to 12 metres is to accommodate the slight building height increase of approximately 0.5 metres.

As for reduction in the amount of required parking, the past owners obtained parking reductions through the Cash-in-Lieu of Parking application process. Based on the increased floor space of the new building, a total of nine parking spaces are required. The subject property has an existing building where the foot print is lot-line to lot-line. The proposed new building will also be constructed lot-line to lot-line and parking is available on both commercial parking lots abutting the site for the clients who wish to travel by automobile.

The minimum front yard setback for a non-residential building is 3.0 metres. The existing building is presently built along the front lot line (0 metres). The first floor will be set-back about 2.5 metres on average from the front property line and the second and third floors will be built to the property line therefore requiring that no minimum be allowed.

The minimum width of landscaped area required when abutting a street is 3.0 metres. The existing building is presently built along the front lot line (0 metres) and landscaping has never been required or provided. As previously mentioned, the first floor will be set-back about 2.5 metres on average from the front property line and the second and third floors will be built to the property line. A Site Plan Control application has been submitted and being processed concurrently with this rezoning application. The Department will examine the opportunity to provide some landscaping on the City's boulevard which is presently asphalt.

One loading space is required to be provided. Loading is presently done by accessing and parking on the neighbouring property to the south. The property to the south is presently used a commercial parking lot whereas the owner has given permission to the theatre owners to use for loading and unloading until redevelopment of the site.

As for removal of the Floor Space Index (FSI), the present FSI is 1.0 and the applicant has requested that a 3.0 FSI be allowed to accommodate the new building's envelope. As the size of the redevelopment will be regulated by the applicable yards and height, the Department is recommending that the Floor Space Index provisions not apply to the subject property.

SUMMARY

Based on the foregoing, it is the Department's position that the proposal satisfies the design criteria and compatibility policies contained in the Official Plan and will contribute to a positive urban design experience for the residents of the city.

URBAN DESIGN REVIEW PANEL

The subject property is within a Design Priority Area and is subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP for a confidential pre-consultation. The applicant is required to return to the UDRP for a formal review of the Site Plan Control application, which is open to the public. The meeting is scheduled for May 2, 2013.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

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. Two comments were received from the public from the posting of the on-site sign and comments were received from two registered community associations (Lowertown Community Association and Downtown Rideau Board of Management). The comments were all supportive of the proposal.

COMMENTS BY THE WARD COUNCILLOR

Councillor Mathieu Fleury is supportive of the rezoning application.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

As this is a rezoning, there are no Accessibility Impacts.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

C1 – Contribute to improvement of quality of life
C3 – Provide a compelling vibrant destination
EP1 – Promote Ottawa Globally
EP3 – Support Growth of Local Economy
GP3 – Making Sustainable Choices
HC2 - Improve parks, recreation, arts and heritage
TM4 – Promote Alternative Mobility Choices

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

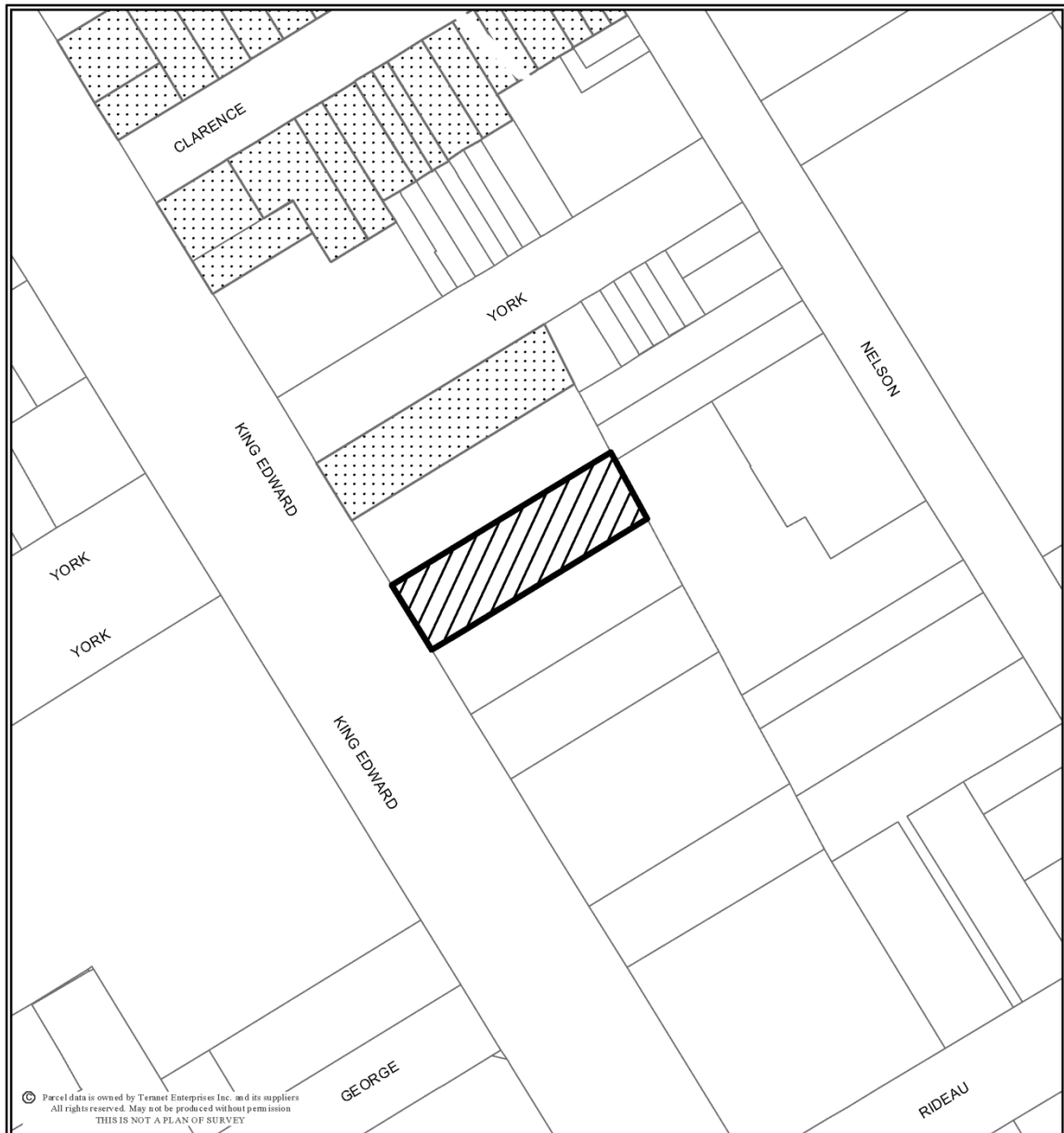
- Document 1 Location Map
- Document 2 Details of Recommended Zoning
- Document 3 Building Elevation and Site Plan

DISPOSITION

City Clerk and Solicitor Department, Legislative Services to notify the owner, applicant, Ottawa Scene Canada Group Inc., 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5, Ghislain Lamarche, Program Manager, Assessment, Financial Services Branch (Mail Code 26-76) of City Council's decision.


Planning and Growth Management to prepare the implementing by-law, forward to Legal Services and undertake the statutory notification.


Legal Services to forward the implementing by-law to City Council.



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2013 / 02 / 15	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision**
Zoning Key Plan / Schéma de zonage
333 avenue King Edward Avenue

 Heritage (Section 60)
 Patrimoine (Article 60)

042130161 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

Proposed Changes to the Comprehensive Zoning By-law

1. Rezone the subject property as shown on Document 1 from GM1 [13] F(1.0) H(11.0) to GM1 [xxxx] H(12.0)
2. Amend Section 239 – Urban Exceptions to create a new Exception, GM1 [xxxx] H(12.0), including provisions similar in effect to the following:
 - a. Theatre is permitted as an additional land use.
 - b. The minimum front yard setback is zero metres.
 - c. No loading space is required for a theatre use.
 - d. No floor space index shall apply to the property.
 - e. Parking spaces are not required for a theatre use.
 - f. Landscaped area is not required abutting a street.

