

Report to/Rapport au :

**Planning Committee
Comité de l'urbanisme**

and Council / et au Conseil

**May 29, 2013
29 mai 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-0135

SUBJECT: ZONING – 143 MURRAY STREET

OBJET : ZONAGE – 143, RUE MURRAY

REPORT RECOMMENDATION

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 to change the zoning of 143 Murray Street from Residential Fifth Density Zone Subzone N, Schedule 74 (R5N S74) and Mixed-use Downtown Zone Subzone 2 Schedule 72 (MD2 S72) to Mixed-Use Downtown Zone, Subzone 2, Exception XXXX, Schedule 74 (MD2 [XXXX] S74) as detailed in Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement n° 2008-250 sur le zonage visant à faire passer la désignation de zonage de la propriété située au 143, rue Murray, de Zone résidentielle de densité 5, sous-zone N, annexe 74 (R5N S74) et Zone de centre-ville polyvalent, sous-zone 2, annexe 72 (MD2 S72) à Zone de centre-ville polyvalent, sous-zone 2, exception XXXX, annexe 74 (MD2 [XXXX] S74), comme le précise le document 1.

BACKGROUND

The site, 143 Murray Street, is located on the north side of Murray Street, east of Dalhousie Street, and west of Cumberland Street.

The site has a frontage of 11.6 metres, a depth of 30.5 metres, and a total area of 353 square metres. It is occupied by a two-storey single-detached dwelling that is currently vacant. The site is surrounded by a mixture of uses, including medium density commercial and residential. Surface parking associated with the adjacent commercial uses directly abuts the property on the east and the northwest.

The site is designated Central Area pursuant to the Official Plan, and is currently zoned Residential Fifth Density, Subzone N, Schedule 74 (R5N S74) pursuant to Zoning By-law 2008-250.

Proposed Development

The proposed development is to convert the first floor of the existing building into a commercial use while maintaining a residential dwelling above. There are no proposed changes to the structure of the building.

Purpose of Zoning By-law Amendment

The purpose of this application is to rezone the subject property from Residential Fifth Density, Subzone N, Schedule 74 (R5N S74) to Mixed-Use Downtown Zone, Subzone 2 Exception XXXX, Schedule 74, with a special exception to reduce the required parking to zero. The Mixed-Use Downtown Zone permits a wide range of mixed-use development, including restaurant and retail store uses.

DISCUSSION

Planning Act and Provincial Policy Statement

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. Provincial interests with respect to this application include the sufficient provision of employment opportunities, the appropriate location of growth and development, and the promotion of development that supports public transit and is pedestrian oriented. In addition, the *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), a document that provides further policies on matters of provincial interest related to land use development. PPS policies indicate that there should be an appropriate mix of uses and range of housing types and densities which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit.

The proposed zoning ensures that ample employment opportunities are available, it continues and supports an established mixed-use area and is located within easy walking distance to transit and residents.

Official Plan Considerations

Strategic Direction (Section 2)

Section 2 of the Official Plan sets broad strategic directions to meet the challenge of managing growth, providing infrastructure, maintaining environmental integrity and creating liveable communities within Ottawa. To meet these challenges, policies are set out to pursue a mix of land uses, housing types and compact forms of development which in turn will enable the City to support a high-quality transit system and make better use of existing infrastructure and roads.

The strategic direction of the Official Plan supports redevelopment of existing building stock at a higher density within areas identified for growth, including the Central Area. In this case, it is the addition of a mixed-use development that replaces a lower-density use on previously developed land that supports the plan's broad objective for the Central Area.

Transportation (Section 2.3.1)

One of the strategic directions of the Official Plan is to encourage land use patterns that reduce the need to travel great distances across the city and support the use of alternatives to car travel. The Official Plan encourages an increase in the range of options available to people within an easy walk, bike and close to transit. More compact and mixed-use development creates a stronger series of urban centres.

The addition of commercial and institutional uses improves accessibility by bringing people closer to their destinations and making it easier for people to reach jobs, services, education and recreation.

Urban Design and Compatibility (Section 2.5.1)

Section 2.5.1 establishes design objectives which describe the vision for the City's built environment. These objectives are broadly stated and are applicable to all land use designations either at the city-wide level or on a site-specific basis. One of the key objectives is compatibility.

The proposed development is consistent with and implements the design objectives that speak to enhancing the sense of community, defining public spaces through development and ensuring that new development respects the character of existing areas.

Land Use Designation (Section 3.6.6)

The property is designated Central Area on Schedule B of the Official Plan. This designation is for an area that is considered the economic and cultural heart of the City and the symbolic heart of the nation. This status is based on its unique mix of employment, government, retail, housing, entertainment and cultural activities. The

Official Plan aims to enhance the diversity and attractiveness of the Central Area by encouraging a broad range of land uses and day/night, year-round activities.

The proposed change in uses contributes to ensuring that there is a strong diversity of economic, employment and entertainment activities in the area. The fact that it is in a heritage building will protect the small-scale local commercial pattern of the immediate neighbourhood.

Central Area Secondary Plan (Section 1.8)

The Central Area Secondary Plan provides direction for a number of geographical areas, referred to as Character Areas, within the Central Area. The subject property is located on the border of two Character Areas (as shown on Schedule B of the Central Area Secondary Plan) Lowertown and the Byward Market. Policy 1.2.2 of the Plan states that where Character Areas intersect, reference to each area will be given.

Byward Market (Section 1.5)

The vision for this area speaks to creating a vibrant, secure environment that draws people from the entire city, as well as visitors to the city. Policy 1.5.3 states that the area will be predominantly commercial and requires pedestrian-oriented uses at grade.

Lowertown (Section 1.8)

This area is envisioned as predominantly residential with a mix of uses within heritage buildings and sensitive infill. The vision also includes a transition to uses found within the Byward Market area and talks about neighbourhood commercial uses at grade along Murray Street.

Section 1.8.3 of the Secondary Plan requires that residential uses shall be permitted as the predominant use within Lowertown. It also allows limited pedestrian-oriented neighbourhood commercial uses at-grade on Cumberland, Murray and St. Patrick Streets, especially in heritage buildings which serve primarily local needs and do not attract large volumes of vehicular traffic, such as confectioneries, personal and business services and small stores.

The policy also speaks to uses in heritage buildings. The building is designated under Part V of the *Ontario Heritage Act* and no exterior changes are proposed. There are no parking requirements for this site which promotes locally-oriented uses and takes advantage of the easy access to Dalhousie Street.

Heritage Considerations

This building is designated under Part V of the *Ontario Heritage Act* as part of the Lowertown West Heritage Conservation District. No exterior alterations are proposed. Its compatibility with the surrounding neighbourhood will be maintained.

Surrounding Context

As previously mentioned, the property is located on the north side of Murray Street between Dalhousie Street to the west and Cumberland Street to the east. This leg of Murray Street contains a mix of residential, commercial, community and institutional uses.

The abutting property to the west is zoned MD2 S72 (Mixed Use Downtown Zone, Subzone 2, Schedule 72) (see Document 1) and contains a restaurant (Chez Lucien's) on the ground floor. Abutting to the east there is a community health and resource centre, the former École Guigues (now condominiums and a resource centre) and further east the former Saint Brigid's Church, now a center for the arts. Directly across Murray Street there is a retirement residence (the Renaissance Montfort) and a public parking garage.

The property is located less than 50 metres from Dalhousie Street. Dalhousie Street is zoned MD2 S72 (Mixed-Use Downtown Zone, Subzone 2, Schedule 72) which is the same as the proposed zoning for the site. This zone permits a variety of uses which are evident along Dalhousie which has a mix of retail, office, restaurants and residences.

The proposed zoning for the site is an extension of the mixed-use area to the west and is consistent with the surrounding uses.

Conclusion

Staff are satisfied that the objectives set out in the Official Plan, related to the strategic directions for employment uses and the provisions for the intensification of jobs in the Central Area, are being met. The proposal, in addition to preserving the heritage building, addresses a need for employment uses within the downtown core area. In light of the discussion above, the department recommends approval of the Zoning By-law amendment application.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

Notice of this application was carried out in accordance with the City's Public Notification and Consultation Policy. The only public comments received were from the Lowertown Community Association. Details of the consultation can be found in Document 3.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury concurs with the staff recommendation for this application.

LEGAL IMPLICATIONS

If the recommendation is carried and an appeal is brought before the Ontario Municipal Board, the estimated length of time for a hearing is two days and can be accommodated using internal resources. If the recommendation is not carried, written reasons must be provided. In the event that the recommendation is not carried and an appeal is brought before the Ontario Municipal Board, the estimated time for the length of a hearing is the same as above but an external planning consultant must be retained at an estimated cost of \$25,000.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

FINANCIAL IMPLICATIONS

Potential costs are outlined in the Legal Implications section above. Should the services of an external planner be required, the funds (\$25,000) are not available within existing budget, and the expense may impact Planning and Growth Management's operating budget status.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

EP3 - Support growth of local economy.

GP3 - Make sustainable choices.

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

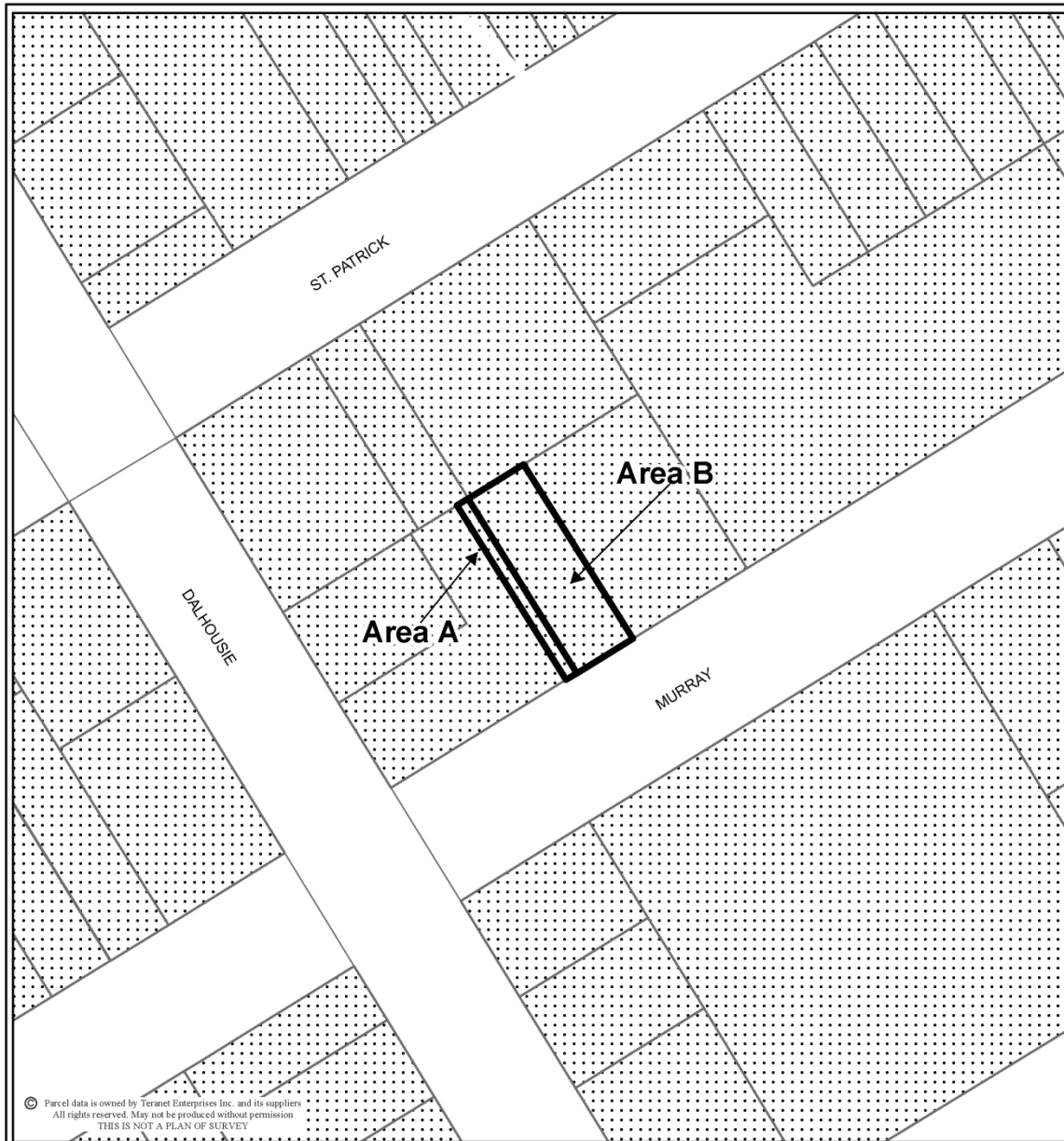
- Document 1 Zoning Location Map
- Document 2 Details of Recommended Zoning
- Document 3 Consultation Details

DISPOSITION


City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5 of City Council's decision.

Planning and Growth Management Department 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 / 04 / 30	
REVISION DATE	DE RÉVISION

 **Location Map / Plan de révision**
Zoning Key Plan / Schéma de zonage
143 rue Murray Street

Area A to be rezoned from MD2 S72 to MD2[xxxx] S74
 Area B to be rezoned from R5N S74 to MD2[xxxx] S74

Heritage (Section 60) 
 Patrimoine (Article 60) 

042140023 Denotes Teranet-Polaris Parcel Identification Number

Échelle
 N.T.S.
 Mètres



Scale
 N.T.S.
 Metres

DETAILS OF RECOMMENDED ZONING

DOCUMENT 2

Proposed Changes to the Comprehensive Zoning By-law

1. The subject properties are to be rezoned as follows and as shown on Document 1:

Area A to be rezoned from MD2 S72 to MD2[xxxx] S74

Area B to be rezoned from R5N S74 to MD2[xxxx] S74

2. Add a new exception, MD2[XXXX] S74 to Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. In Column II, the text MD2 [XXXX] S74; and
 - b. In Column V, text:
 - Despite 193(6) one parking space not located in a parking garage is permitted.
 - Despite 194(2)(d) the maximum front yard setback is 1.52 metres.
 - The minimum parking space requirement for all residential and non-residential uses is zero.
 - The minimum visitor parking space requirement for all residential uses is zero.
 - Despite Section 113, Table 113A does not apply: there are no requirements for a vehicle loading space.

CONSULTATION DETAILS

DOCUMENT 3

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. No public comments were received with respect to this application.

COMMUNITY ORGANIZATION COMMENTS

The Lowertown Community Association opposes the rezoning of 143 Murray from an R5 zone to a MD2 zone. Most of the streets south and west of 143 Murray are already zoned MD2 allowing for the widest range of uses including nightclubs, restaurants, and bars. Many of these properties are currently vacant indicating perhaps an oversupply of restaurants and bars.

A new restaurant/bar would continue the proliferation of bars and restaurants in the Byward Market. This proliferation is responsible for the loss of small retailers and the cost increase of rental properties. Because businesses selling alcohol can command higher rents, they have been displacing smaller retail businesses and a mix of services available to residents and visitors. Consequently, the Market's identity has changed from a food market and a mix of retail to almost solely a restaurant/bar district. Now there are 100 restaurants/bars within four blocks. This decreases the attractiveness of the Market as a place to live and to visit. The City has undertaken a study to address this issue at the request of the LCA, the BIA and the Safety and Security Committee. Allowing yet another restaurant/bar would contradict and undermine the ongoing efforts of the community and city staff.

STAFF RESPONSE

The proposed zoning allows a variety of commercial, retail, residential and institutional uses. By allowing this variety, all uses are permitted equally, creating a more complete community. Uses on individual properties are determined by the economy and market demand.