

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.	03 07-98-0119
Your File/V/Réf.	03 07-98-0064
DATE	25 November 1998
TO/DEST.	Chair and Members Planning and Environment Committee
FROM/EXP.	Coordinator Planning and Environment Committee
SUBJECT/OBJET	REZONING APPLICATION - BY-LAW 164/98: TEMPORARY USE, SURFACE PARKING, 82 METCALFE ST. (AT SLATER) - (TRANSIT SERVICES CTEE. REPORT 98-08)

REPORT RECOMMENDATION

That the Planning and Environment Committee recommend that Council add more detailed policies on Central Area Parking to the Regional Official Plan.

BACKGROUND

At the Ottawa-Carleton Regional Transit Commission meeting of 12 November 98, the above-noted report was approved and was referred to the Planning and Environment Committee for appropriate action.

*Approved by
Dawn Whelan*

Attach. (1)

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

TRANSIT SERVICES COMMITTEE
SERVICES DE TRANSPORT PUBLIC

REPORT NUMBER 98-08 TO THE COMMISSION
RAPPORT NUMÉRO 98-08 PRÉSENTÉ A LA COMMISSION

The Transit Services Committee met on 14 October 1998 and submits the item in this Report for the information and/or approval of the Ottawa-Carleton Regional Transit Commission at its next regular meeting.

Le Comité des services de transport public s'est réuni le 14 octobre 1998 et soumet l'article du présent rapport à la Commission de transport régionale d'Ottawa-Carleton pour information ou approbation lors de la prochaine réunion ordinaire.

PRESENT/ÉTAIENT PRÉSENTS :

Chair/Président:	A. Loney
Members/Membres:	M. Bellemare W. Byrne L. Davis C. Doucet D. Holmes H. Kreling

SUBJECT: REZONING APPLICATION, BY-LAW 164/98: TEMPORARY USE-SURFACE PARKING, 82 METCALFE STREET (AT SLATER)

OBJET: DEMANDE DE CHANGEMENT DE ZONAGE, RE GLEMENT 164/98: UTILISATION TEMPORAIRE PARC DE STATIONNEMENT, 82, RUE METCALFE (A L'INTERSECTION DE LA RUE SLATER)

REZONING APPLICATION, BY-LAW 164/98: TEMPORARY USE-SURFACE PARKING, 82 METCALFE STREET (AT SLATER)

COMMITTEE RECOMMENDATION AS AMENDED

That the Ottawa-Carleton Regional Transit Commission recommend to the Planning and Environment Committee that more detailed policies on Central Area Parking be added to the Regional Official Plan.

DOCUMENTATION

1. Co-ordinator, Transit Services Committee report dated 30 Sep 98 is immediately attached.
2. Extract of Draft Minute, Transit Services Committee meeting of 14 Oct 98 follows the report and contains a record of all votes.

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REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 03-07-98-0102
 Your File/V/Réf.

DATE 30 September 1998

TO/DEST. The Chair and Members of the
 Transit Services Committee

FROM/EXP. Committee Co-ordinator

SUBJECT/OBJET **REZONING APPLICATION BY-LAW 164-98**
TEMPORARY USE - SURFACE PARKING
82 METCALFE (AT SLATER) - CITY OF OTTAWA

REPORT RECOMMENDATION

For Committee discussion.

BACKGROUND

Attached is the following correspondence referred to the Transit Services Committee by Councillor D. Holmes for discussion:

1. Memorandum dated 17 Sep 98 from the Director, Development Approvals Division, Planning and Development Approvals Department re: the rezoning application for By-law 164-98;
2. Extract of a report dated 4 June 98 from the Planning and Development Approvals Commissioner, entitled Response to the Recommendations of Transportation Committee. This report was considered by the Planning and Environment Committee on 23 Jun 98 and by Regional Council on 08 Jul 98.

Approved by
M. J. Beauregard

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

MEMORANDUM
NOTE DE SERVICE

Our File/N/Réf. Your File/V/Réf.	09.97.0237
DATE	17 September 1998
TO/DEST.	Councillor Holmes
FROM/EXP.	Director, Development Approvals Division
SUBJECT/OBJET	REZONING APPLICATION-BY-LAW 164-98 TEMPORARY USE-SURFACE PARKING 82 METCALFE (AT SLATER)

This is in reply to your enquiry as to the reasons why the Regional Planning and Development Approvals Department did not appeal the above-noted Zoning By-law Amendment.

Firstly, the proposed use is a "temporary use", and as such is permitted for a maximum period of 3-years under Section 39(2) of the Planning Act. While the local Council can grant further periods of not more than three years each, such extensions must be made "by by-law" in accordance with Section 39 (3) and are subject to appeal to the OMB. This Department has always viewed temporary uses as just that, a temporary use. Our concern is focused more on the replacement building and the number of new permanent parking spaces that would be provided.

Secondly, the new Regional Official Plan has not been approved, and as such none of the new provisions respecting parking in the central area are in effect or enforceable. There are no policies in the 1988 Regional Official Plan addressing this issue.

Thirdly, as stated in the 4 June 1998 staff Response to Recommendations of Transportation Committee, "the 1997 Regional Official Plan contains only one policy relating to parking in the Central Area. This policy says that the Region will work with the City of Ottawa to support the provision of short-term parking in the Central Area to serve the retail and commercial sectors and limit the provision of long term parking to discourage the use of private vehicles for work trips (section 3.4.2, Policy 16)...If it appears that the City is not receptive to changes in this regard, it may be necessary to add more detailed policies on Central Area parking to the Regional Official Plan in order to provide a strong basis for appeal of the City's new zoning by-law for the Central Area."

It is this Division's opinion that when the new Regional Official Plan is approved, additional amendments would be required to give full force to the position taken in the above-noted staff report, and that any appeal to the OMB based on the Regional Official Plan as it is currently worded would probably be unsuccessful.

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If you have any further questions in this matter please call me at 1232 or Roger Hunter of my staff at 1582.

*Approved by
R.B Edgington, MCIP, RPP
Director, Development Approvals Division*

RH/

c.c. Planning Commissioner
Director, Policy & Infrastructure Planning Div.

Our File/N/Réf.
 Your File/V/Réf.

DATE 4 June 1998

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **RESPONSE TO RECOMMENDATIONS OF
 TRANSPORTATION COMMITTEE**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council receive this report for information.

PURPOSE

At its meeting of 1 April 98, during consideration of an item on Sustainable Transportation, Transportation Committee carried a number of motions, including the following:

That the following recommendations be referred to the Planning and Development Approvals Department for a report to the Planning and Environment Committee:

1. Request that the Planning and Development Approvals Department prevent the construction of surface parking lots in the Central Area that would cater to long term parking. Request the Planning and Development Approvals Department to challenge the City of Ottawa's zoning by-law that necessitates parking in the Central Area for new developments;
2. Request that the Planning and Development Approvals Department develop a strategy (e.g. decreased rates for car-pooling) to decrease long term monthly parking in the RMOC garage and increase short term visitor parking. Request that a surcharge be created for long term parkers to be used for transit purposes;
3. Request that the Planning and Development Approvals Department ensure that all lower tier municipal zoning by-laws come into compliance with the new Regional Official Plan with regards to decreasing the parking demand in these by-laws so as to increase transit usage;

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4. Request that in the interim, the Planning and Development Approvals Department challenge all proposed developments that plan to provide more than 25% of parking spaces per employee within the Central Area, and proposed developments that plan to provide more than 50% of parking spaces per employee beyond a 400 metre distance of the transitway;
5. Under RMO Subdivision agreements, Site Plan requirements and road construction projects, that pedestrian and cycling pathways be more prominent in order to provide better access within our communities, as well as access to Regional Roads, where residents have access to public transit.

This report addresses these five recommendations.

DISCUSSION

1. Request that the Planning and Development Approvals Department prevent the construction of surface parking lots in the Central Area that would cater to long term parking. Request the Planning and Development Approvals Department to challenge the City of Ottawa's zoning by-law that necessitates parking in the Central Area for new developments;

The City of Ottawa's zoning by-law for most of the Central Area requires public parking to be located in a building. The parking lots which exist are permitted under zoning by-laws authorizing the temporary use for parking or pre-date this provision in the zoning by-law. Based on a City of Ottawa report, there are currently nine surface parking lots in the Central Area permitted by temporary use by-laws and a tenth application recently approved.

The City of Ottawa Official Plan contains a specific policy on temporary surface parking, policy f) of 5.9.2.2, which states, "City Council shall discourage the provision of temporary surface parking spaces on vacant sites within the Central Area in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment." However, this policy does not constitute a total ban since a subsequent sentence in the same policy begins, "Where temporary surface parking is permitted,..." Moreover, the general temporary use provision of the OP states that City Council may permit uses which would otherwise not conform to the OP or zoning by-law for temporary periods. This provision is the basis upon which a few temporary surface public parking lots have been approved by the Ontario Municipal Board even though Council refused the applications.

The City of Ottawa has just issued a discussion paper on temporary surface parking in the Central Area. The study recognizes the conflict between the provisions of the Official Plan and outlines suggestions to amend the policy framework concerning temporary surface parking in the Central Area. Generally OP policy could be amended to clarify that the specific policy to discourage temporary surface parking in the Central Area should take precedence over the more general temporary use provisions; add a policy concerning temporary surface parking to each of the Character Areas in the Secondary Policy Plan for the Central Area; and to add criteria related to

the need and the appropriateness of the use relative to the context of each specific site in order to determine whether a particular application is an exceptional case.

The report also indicates that there is no demonstrated need for additional parking which may be provided by temporary surface parking lots and that the majority of the temporary parking lots provide mainly long-term parking by the day or the month. Because the zoning or temporary use provisions of the *Planning Act* do not permit municipalities to regulate parking operations, (e.g. whether short-term or long term), the provision of short-term parking should not be used as a rationale for approving temporary parking. A copy of the City's discussion paper is on file with the Regional Clerk.

The 1997 Regional Official Plan contains only one policy relating to parking in the Central Area. This policy says that the Region will work with the City of Ottawa to support the provision of short-term parking in the Central Area to serve the retail and commercial sectors and limit the provision of long term parking to discourage the use of private vehicles for work trips (Section 3.4.2, Policy 16).

The *Municipal Act* and the *Regional Municipalities Act* provide the Region with another option for action. These Acts give the Region the power to zone lands within 45 metres of a regional road, with the Regional by-law prevailing over the local zoning in the event of a conflict. Theoretically, the Region could zone lands within 45 metres of a regional road to prohibit surface parking as a permitted use or revise performance standards with respect to parking. Such a by-law would have to meet the tests of good planning and conformity to the Regional and local official plan. However, this power has never been used in Ottawa-Carleton.

The City of Ottawa is in the process of reviewing its zoning by-law for the Central Area. Staff will vigorously pursue stronger policies with respect to temporary surface parking in the context of the discussion paper on temporary surface parking and of the new zoning by-law with the objectives of preventing the construction of new surface parking and reducing the number of existing surface parking lots. At the same time, Regional staff will advocate that the City of Ottawa review the zoning provisions that necessitate parking in the Central Area for new developments. If it appears that the City is not receptive to changes in this regard, it may be necessary to add more detailed policies on Central Area parking to the Regional Official Plan in order to provide a strong basis for appeal of the City's new zoning by-law for the Central Area.

2. Request that the Planning and Development Approvals Department develop a strategy (e.g. decreased rates for car-pooling) to decrease long term monthly parking in the RMOC garage and increase short term visitor parking. Request that a surcharge be created for long term parkers to be used for transit purposes;

This is a property management matter. Staff will prepare a separate report to Corporate Services and Economic Development Committee on this recommendation. The report will address issues of consistency with regional policy in the Official Plan.

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3. Request that the Planning and Development Approvals Department ensure that all lower tier municipal zoning by-laws come into compliance with the new Regional Official Plan with regards to decreasing the parking demand in these by-laws so as to increase transit usage;

Policy 15 of 9.4, Public Transit, in the 1997 Regional Official Plan requires area municipalities to review and amend parking requirements in zoning by-laws to a level which supports transit through:

- a) reduced parking requirements for developments in the vicinity of rapid transit stations;
- b) imposition of maximum parking space provisions for developments in the vicinity of rapid transit stations.

The City of Ottawa has appealed this policy to the Ontario Municipal Board, so staff have not yet formally requested municipalities to make this amendment. However, upon resolution of the appeal, the Department will pursue amendment of local municipal zoning by-laws to conform to this requirement of the new Regional Official Plan. In the meantime staff will request this change wherever municipalities undertake a comprehensive zoning by-law review or a site-specific rezoning in the vicinity of a transitway station. Staff have repeatedly brought this provision to the attention of the City of Ottawa in comments on various drafts of their new 2020Z zoning by-law. Now that the by-law was adopted by City Council on 20 May 98, staff have filed an appeal on this and other matters. Pursuant to the Corporate Policy Manual, a report will be brought to Committee and Council for their decision with regard to sustaining or withdrawing these appeals.

4. Request that in the interim, the Planning and Development Approvals Department challenge all proposed developments that plan to provide more than 25% of parking spaces per employee within the Central Area, and proposed developments that plan to provide more than 50% of parking spaces per employee beyond a 400 metre distance of the transitway;

As noted above, staff will comment and appeal, if necessary, any site-specific rezonings for development in the vicinity of transitway stations (interpreted as within 400 metres walking distance) which do not include reduced parking requirements and upper limits on the provision of parking spaces. However, where an application for a development is made which conforms to the existing zoning, there is no basis to challenge the development on the ground of inappropriate parking. The City's current zoning by-law for the Central Area requires almost 1.5 spaces per 100 square metres of office space (specifically .75 spaces per 47.5 square metres).

The policy in the Regional Official Plan is not as specific as the above recommendation, which staff interpret as requesting a challenge of any development in the Central Area which provides more than one parking space of dedicated employee parking per 100 square metres of office space or any development outside the Central Area which provides more than two parking spaces of dedicated employee parking per 100 square metres of office space within 400 metres of a transitway station. The staff response to the City's new zoning by-law, 2020Z, sent in February prior to the Transportation Committee recommendations, proposed a 20% reduction in parking

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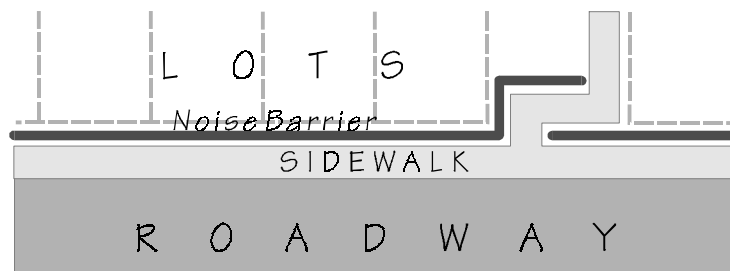
requirements for developments outside the Central Area. No change was made to the by-law and it has been appealed.

5. Under RMO Subdivision agreements, Site Plan requirements and road construction projects, that pedestrian and cycling pathways be more prominent in order to provide better access within our communities, as well as access to Regional Roads, where residents have access to public transit.

Subdivisions -- Staff of Planning and Development Approvals Department have been implementing policies concerning good pedestrian access to bus stops or transit stations when approving plans of subdivision since the energy conservation amendment to the 1974 Regional Official Plan in 1983. In the 1988 Regional Official Plan, the policy required that either the road system put virtually all building sites within 400 metres walking distance of a transit stop or that a paved pedestrian pathway be provided to reduce walking distances where the road system did not achieve the 400 metre standard. In the 1997 Regional Official Plan, policy 13 of Section 3.2, Policies for Urban Communities, requires “direct and safe pedestrian and cycling links from residences to rapid transit stations, bus stops and community amenities, including sidewalks on both sides of streets designed to carry transit and paved pedestrian paths to minimise walking distances.”

Site Plans - Staff do comment on issues of pedestrian access to transit when reviewing site plans and will be increasing their efforts in this regard, due to more specific policies in the 1997 Regional Official Plan. However, the *Planning Act* limits the conditions which Regional Municipalities may place on site plans, primarily to road matters. Walkways and other means of pedestrian access are subject to site plan approval conditions of the local municipalities. The Region has no power to appeal site plan conditions under the *Planning Act*.

Road construction projects - The concern which prompted this reference was that the privacy fences or noise barriers constructed in conjunction with some Regional road projects (e.g. Baseline) impeded access from the interior of communities to the exterior including access to Regional roads which carry transit. The difficulty is that privacy fences or noise barriers are only effective in reducing noise levels if they are continuous. Where a public walkway exists, the road projects attempt to maintain that access. This means a break in the noise barrier; the two ends of the barrier are offset from each other with as much overlap as possible to also retain the noise reduction benefits.



FINANCIAL IMPLICATIONS

There are no financial implications to this report. The actions discussed are all part of the existing work program to implement Council's Official Plan.

CONSULTATION

There has been no consultation on this report, but the Official Plan policies, implementation of which is discussed, were the result of an extensive consultation process.

*Approved by
N. Tunnacliffe, MCIP, RPP*

7. REZONING APPLICATION - BY-LAW 164/98: TEMPORARY USE - SURFACE PARKING, 82 METCALFE (AT SLATER)
- Committee Co-ordinator's report dated 30 Sep 98

The Manager, Planning and Development, Dr. Helen Gault, indicated that OC Transpo has objected to temporary parking being supplied immediately adjacent to the Transitway in downtown Ottawa as this encourages more cars to come into the central area.

Mr. Barry Edgington, Director, Development Approvals Division, (RMOC) made reference to a memorandum wherein he indicates that, from an implementation standpoint, the Regional Official Plan (ROP) does not have the policies to object to or appeal temporary use zoning by-laws: the only one in place is that the RMOC will discuss ways and means of strengthening existing policies. Mr. Edgington pointed out that the City of Ottawa's Zoning By-law and Official Plan (OP) are also vague and that the City is not enforcing it's own policies.

Ms. Linda Hoad, posited regional staff reach the right conclusion about not appealing the City's Zoning By-law but for the wrong reasons. The City can approve temporary uses and in the case of surface parking, has to prove need. Ms. Hoad said she did not believe this could be done. She said the fact that the ROP was not in effect was irrelevant, as evidenced by the strong position the Region took towards the Nortel Development. Finally, as to whether or not an appeal to the Ontario Municipal Board (OMB) would be successful, she cited a successful appeal of a temporary zoning by-law by the King Edward Avenue Task Force several years ago (corner King Edward Avenue and St Patrick Street).

Ms. Hoad went on to say she shares concerns about the replacement building and new parking spaces that would be provided. She said City staff must be made aware a parking problem exists, it affects transit services and will continue to do so in the future unless the supply is reduced and the price of parking in the central area is increased. Temporary zoning problems are compounded by the flagrant abuse of the City's by-laws on parking. Tandem parking is illegal and should not be happening, except in the few cases where it has been sanctioned by a Site Plan Agreement or a Variance approved by the Committee of Adjustment.

Ms. Hoad expressed the hope the City could be convinced about the urgency of the problem and about the need for it to enforce it's own by-laws. All taxpayers contribute to OC Transpo and will benefit if transit is more successful: policies in both the OP and the ROP require this. She posited staff may not be aware of the implications of their decisions, and may not be committed to OC Transpo's success. She suggested that both regional staff and politicians approach the City, requesting it's cooperation. Ms. Hoad spoke about two ongoing studies, one on Temporary Surface Parking, the other on the zoning by-law review for the central area.

The Federation of Citizens' Associations takes this matter very seriously and would support more involvement of regional staff in both these studies. Responding to a question from Councillor D. Holmes, Ms. Carol Christensen of the Policy Planning Branch, indicated the RMOC was not successful in becoming a member of the zoning by-law review committee: as well, staff were not aware of the committee examining temporary surface parking.

Councillor C. Doucet asked whether Ms. Hoad would suggest ways the Region could be more effective in bringing policies in line and making the central area more transit friendly. Ms. Hoad said she would encourage OC Transpo to continue commenting on rezoning matters, and if niceties don't work, perhaps the threat of an OMB Hearing would be more effective. OC Transpo could undertake appeals itself or work through citizens by offering financial and legal assistance. The Committee Chair could attend City Planning meetings and make presentations, as well as encourage staff to attend when zoning matters come before that body.

Councillor Holmes expressed her frustration when considering what should be done to increase OC Transpo ridership and seeing that everything being done is in direct opposition to this goal. She cited the example of 400 short-term spaces at the World Exchange Plaza being converted into 400 long-term spaces for commuter travel, with no opportunity for the RMOC to appeal because this was done through a development agreement. She posited the new tax system encourages the creation of additional parking lots through lower tax rates, another step in the wrong direction. She asked that staff report back on whether the subject property, 82 Metcalfe, should be rezoned, or on whether the RMOC should join the appeal launched by the Centretown Community Association against the temporary use by-law. With respect to the ROP relying on the City's OP because it contains all the safeguards, Councillor Holmes felt the next steps would be for the ROP to have it's own, strong policies on the central area.

Tim Marc, Legal Department, suggested the Committee consider joining the appeal of the temporary by-law by the Centretown group. In a property rezoning, the Board would expect staff to point to policies in the ROP on which the rezoning is based, and these are not as strong as they should be. Seeking party status to the Centretown Citizens' appeal would entail relying on policies contained in the City of Ottawa Official Plan.

Replying to questions of clarification from the Committee Chair, A. Loney, Mr. Marc indicated there is nothing preventing the Transit Commission from seeking party status at the OMB. The Commission may refer the request to have the RMOC take a similar position to the Planning and Environment Committee (P&E), and the request for stronger policies in the ROP must be referred to P&E. In response to a question from Councillor H. Kreling, Mr. Marc indicated the RMOC has sought party status in Consent to Sever matters in rural areas where the Region was neither appellant nor respondent.

The Interim General Manager, M. Sheflin, suggested the Chair write to the City of Ottawa on behalf of the Transit Services Committee, pointing out the urgency of controlling parking in the central area.

Moved by D. Holmes

That the R.M.O.C. and OC Transpo join the Centretown Citizens' Community Association in the Ontario Municipal Board appeal to By-law 164/98: Temporary Use- Surface Parking, 82 Metcalfe (at Slater).

CARRIED, as amended*

That the Ottawa-Carleton Regional Transit Commission recommend to the Planning and Environment Committee that more detailed policies on Central Area Parking be added to the Regional Official Plan.

CARRIED

* *It was subsequently clarified that the Centretown Citizens' Community Association did not appeal By-law 164/98, consequently no further action is required on this Motion.*