

**Planning and Economic Development Committee**  
**Comité de l'urbanisme et de l'expansion économique**

**Agenda 2**  
**Ordre du jour 2**

**Tuesday, January 11, 2000 - 9:15 a.m.**  
**Le mardi 11 janvier 2000 - 9 h 15**

**Victoria Hall, First Level**  
**Bytown Pavilion, City Hall**

**Salle Victoria, niveau 1**  
**Pavillon Bytown, hôtel de ville**

**Confirmation of Minutes**  
**Ratification des procès-verbaux**

Minutes 1 (December 7, 1999)

Procès-verbal 1 (Le 7 décembre 1999)

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Councillor/Conseillère Elisabeth Arnold, Chairperson/Présidente

Councillor/Conseiller Shawn Little, Vice-Chairperson/Vice-président

Councillor/Conseiller Stéphane Émard-Chabot

Councillor/Conseiller Allan Higdon

Councillor/Conseiller Ron Kolbus

AML

December 1, 1999

ACS1999-PW-PLN-0159

(File: HAA\1000\0110)

Department of Urban Planning and Public  
Works

Ward/Quartier

City Wide

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique

Information

## **1. Emerging Trends In Housing**

### **Nouvelles tendances dans le domaine du logement**

#### **Information**

Lifestyle and demographic changes are having a profound impact on the housing market. An increasing number of households are looking for opportunities to combine their living and working needs in one location and to be able to design their housing to meet their personal needs. As households near retirement, decisions are being made to sell the family home and move into accommodations that are more in keeping with their current lifestyles. Options include purchasing a smaller home, a condominium or moving to a retirement community with accompanying support services. Condominium has become a popular form of home ownership and the development industry has proposed new kinds of condominiums to meet changing demands in the marketplace.

The purpose of this report is to consider several of the new trends in housing, in particular, co-housing, life lease housing for mature adults and seniors, recent changes to the Condominium Act of Ontario to permit new types of condominium and strata title ownership. Each of these are discussed separately.

#### **CoHousing**

##### *The Concept*

Cohousing, short for collaborative housing, is a process where people work together to create their own "cooperative" housing uniquely tailored to meet the collective and individual needs of those who will be living in the cohousing development. Established cohousing communities vary in size, generally from six to thirty households. Cohousing projects have a variety of forms, tenures and facilities, in a wide range of locales, from rural areas to inner city locations. The design often incorporates shared office space, as well as other communal facilities. Those interested in creating a community together must first agree on shared goals. In determining the goals, a broad range of issues have to be considered such as i) geographic

issues (type of neighbourhood, convenience to shopping and transportation), ii) type of shared amenities (dining facilities, playgrounds, gardens, daycare arrangements and office space to support home-based work), and iii) price range relative to size of units and amenities.

#### *Characteristics*

Common characteristics of cohousing developments include small dwellings clustered around a communal open space and shared amenities. Each dwelling is self-contained, with its own kitchen and dining facilities. Also included in cohousing projects are shared kitchen and dining facilities. The concept of shared kitchen and dining facilities does not stem from a notion that meals should be communal but a recognition that *occasionally* communal meals are desirable and benefit everyone. Most meals are eaten in the privacy of the individual members' own homes. The common kitchen and dining facilities referred to as the "common house", may be contained in a separate building, or in a separate part of the main residential building. The "common house" can also be used as a meeting place, workshop space, space for socializing and child care space for members' children.

#### *Cohousing as distinct from Non-profit Cooperative Housing*

Cohousing often is confused with non-profit cooperative housing projects. These non-profit projects are publicly funded and in almost all cases have been built through senior government social housing programs. They are no longer being built in Ontario as all capital programs for new construction have been terminated at both the federal and provincial level. What sets the two forms of housing apart is tenure.

In the case of cohousing, there are several ownership structures. Members can purchase a unit and hold the title to it together with a share of the common facilities. There are also examples where at the outset the property is jointly owned with one blanket mortgage. The intention, however, is to eventually create private ownership of the units and joint ownership of the common areas. In this respect, cohousing is similar to a condominium. In a majority of the cases, a monthly maintenance fee is paid to upkeep the project. Most apartment condominiums and some townhouse condominiums also provide a common room or a common building for parties, meetings and other activities. This is maintained through the monthly condominium fee.

Non-profit cooperative housing projects, which are larger in size than cohousing developments (25 units and up), provide *rental* housing, and a majority of the units have subsidized rents. Some units rent at market prices or at the low end of market (10% below market). When a unit is vacated, a committee reviews applications from prospective new members and the unit is leased to that household. Each non-profit cooperative is essentially self-sufficient. Non profit cooperatives usually do not have common houses, as meals are prepared and eaten at home. Some of the larger townhouse projects include a building for recreational and day care activities, but the building is not owned by the individual members as is the case with cohousing.

### *Principles of Cooperative Housing*

In both forms of cooperative housing, working together as a group allows people to pool resources and gain access to facilities and services that may be out of their reach as individuals.

Also common to both cooperative housing and cohousing are decision making and responsibilities. These are shared by all members. Decisions are made using consensus. This puts everyone on an equal footing and encourages all members to participate through open communication and ensures that all aspects of an issue are considered. All members are committed to the upkeep of the project and are assigned tasks for which they are responsible.

### *Growth of Cohousing Projects*

Cohousing as a housing option is still relatively new in Canada. The majority of those existing involve new construction on vacant land in suburban locations. Creating a cohousing community in an established neighbourhood poses a greater challenge, especially when it involves the purchase of existing units. In such situations, common spaces may not be readily available. For example, one group of six households who had purchased property together to create a cohousing project removed backyard fences and joined their yards together to create a common green space for themselves. The size of cohousing projects in urban areas are smaller than those in suburban or rural areas but they still need sufficient members to *share* the cost of the common facilities, if these have to be built. The number of households in a cohousing project is limited by the capacity of the common space where most group activities occur.

### *Municipal Regulations*

The Collaborative Housing Society, an organization promoting cohousing, received a grant from Canada Mortgage and Housing Corporation in 1993 to research and produce a handbook on planning and zoning issues that affect cohousing projects. The project team worked with cohousing groups and municipalities in the Greater Toronto Area. A definition of cohousing which could be used in zoning by-laws was prepared and discussed with Planning Department representatives from four municipalities and read as follows:

*“The cohousing designation of land shall mean that the predominant use of land in the areas so-designated shall be for a single, planned development of multi-unit and/or single family dwellings and/or live/work units with communal amenities, where the residents share in the management and ownership thereof. Communal amenities include common house and/or shared dining facilities and/or fitness facilities and/or work space and/or short-term child care facilities and/or gardens and/or green space.”*

The conclusion drawn from the meetings, however, was that existing regulations, for the most part, do not hinder cohousing development. Each municipality felt that it had sufficient flexibility within its by-laws to accommodate cohousing projects, and that introducing a zoning amendment or special definition for cohousing would be of little or no benefit.

### *Overcoming Barriers*

The cohousing study team concluded from their discussions that any barriers to the creation of cohousing projects likely stem from a lack of understanding of the concept and miscommunication. Collaborative housing should not only be a collaborative effort between the eventual residents but also between the project and the community in which it is planned and built. Problems that arise should be treated as mutual problems to be solved by all stakeholders involved. To help minimize potential opposition, cohousing groups should familiarize themselves with municipal policies and regulations to ensure both their short term and long term plans satisfy the city's interests as well those of the community. Potential problems which could arise include the following:

### *Size of Project and Sale of Units*

The size of cohousing projects vary based on a variety of factors but typically the smallest projects are those located in urban areas. Sufficient members are needed, however, to develop the common space. Once built, the capacity of the common space will limit expansion. Other matters such as the location of the parking and the landscaping and screening of the common areas can be dealt with at the site plan stage of the municipal approval process, if site plan control approval is required.

Potential members are screened to ensure they adhere to the values and principles of the cohousing group. A co-tenancy agreement signed by a new member outlines the procedure for the sale or lease of a unit.

### *Use of Common Space by Non-residents*

Occasionally, potential members (non-residents) will be invited to partake in the communal meals and in other common activities including some held outdoors. This enables potential members to make informed decisions on whether they will pursue full membership. Individual members also may invite relatives, friends and neighbours to socialize in the privacy of their own homes, but this is not considered a "common" activity in the sense of those activities which take place in the common space.

### *Noise Levels*

Noise levels may increase when members gather to attend common activities, particularly when such activities are held outdoors. The City has a Noise By-law and neighbours who find noise levels to be excessive may call to have the claim investigated.

### *Parking*

In the case of new construction, the parking provisions of the zoning by-law are applicable. In situations where existing properties are acquired to create a cohousing project it is likely that each member will have space to park their own vehicle. There will be occasions when non-residents who attend private or communal activities are required to park on the street. This is no different than visitors to functions occurring in traditional housing forms.

### *Conclusion*

1. Cohousing represents a timely concept in housing whereby resident households are involved in the configuration and design of their accommodation, in determining their communal needs and interests and in sharing responsibilities. As a relatively new housing concept, there are bound to be concerns or fears expressed by neighbours and the community about the long term use and expansion of new cohousing projects. Although cohousing could be considered as having its own form of residential tenure, this does not mean that it requires its own set of zoning regulations. Indeed, it has been determined by staff that there is no need to establish zoning regulations related to cohousing at this time.
2. It is advisable for cohousing groups to consult on their plans with community associations and neighbours as well as City officials before entering into agreements to purchase property for new projects. This way, potential conflicts may be avoided.
3. The aforementioned issues and others which may arise could be resolved through an issue resolution process as part of an outreach program where the interests of all stakeholders are reflected.

## **Life Lease Housing**

### *The Concept*

Life lease is a style of tenure that is gaining popularity among retired people, in particular among those who are capable of independent living. As the population continues to age, an increasing number of mature households are choosing to sell the existing family home in favour of a move into living accommodations that are more in keeping with their current lifestyles. Numerous choices are available. The life lease concept is attractive because the purchase of a unit offers security of tenure; that is, the right to occupy the unit and use the common facilities for as long as desired or for life. As well, in a life lease arrangement, a resident has the opportunity to transfer to a future resident their right to occupy a unit and to use the common facilities.

### *Non-profit Sponsorship*

Existing life lease housing projects in Ontario, Manitoba and Saskatchewan have been sponsored by a wide range of non-profit groups such as service clubs, cultural groups and religious institutions as well as municipalities and non-profit housing corporations. Ultimately, the credibility and experience of the sponsoring organization will determine the acceptance and success of the project. The ownership and title to a life lease development remains in the name of the non-profit organization who also is responsible for the ongoing management and maintenance. The sponsoring organization, through an election process, will establish a Board of Directors which will include residents of the project. All residents are entitled to have full input into the building's management and operation.

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A basic characteristic of life lease projects is that they are self-supporting. In addition to buying the right to tenure, residents pay monthly fees for the management and upkeep of their building. Beyond that common factor, projects can vary greatly, offering variety in building types and design, size of units, and in amenities and services.

### *Life Lease versus Condominium Ownership*

Life lease ownership is often compared to owning a condominium, but there is a distinct difference. A Life Lease Occupancy Agreement establishes a leasehold interest in an individual unit whereas condominium registration provides freehold title. The leasehold agreement provides life lease residents with an exclusive right to occupy a unit for an indefinite period of time. In both forms of ownership, residents contribute to the ongoing expenses on a pro-rated basis. Condominium owners wishing to sell their property may sell it on the open market to whomever they wish at market value whereas in a life lease arrangement the non-profit organization usually has the first right of refusal to purchase the life lease interest. This is advantageous for the resident who may not wish to worry about finding another purchaser.

### *Benefits of Life Lease*

1. In many instances, non-profit organizations contribute land or financial resources toward the development which helps to reduce the capital costs. This factor allows eligible occupants to acquire a unit at less cost than can be offered by a private developer.
2. Developing a multi-residential building usually results in lower maintenance and operating costs than in private residences due to economies of scale. Because the project is developed by a non-profit organization, the costs of purchasing a life lease interest as well as the ongoing operating costs are typically lower than a condominium. All construction and operating costs are budgeted at the lowest break-even point.
3. The common facilities in many of the life lease projects allow the residents to interrelate and create a sense of community and well being. The common areas typically include: a fitness room, library, resident lounge, crafts room, games room, workshop and hobby gardens.
4. Projects are designed for mature adults to age-in-place. For example, units are built with wide entrances and doorways, low window sills, and large bathrooms equipped for disabled individuals.
5. A Life Lease Occupancy Agreement sets out the terms and conditions associated with the life interest in a unit. When a resident wishes, or circumstances dictate that the lease should be sold or transferred, the sale price is typically established by either i) an independent appraisal based on the current market value of the life interest or ii) by a redemption formula which is contained in the Life Lease Occupancy Agreement.

### *Example of a Life Lease Development*

In 1997, the City of Nepean formed a non-profit housing corporation called Centrepointe Life Lease Non-Profit Residence Inc. to sponsor and manage a 66 unit, four- storey elevated apartment building on a parcel of land owned by the City in the Centrepointe neighbourhood near the intersection of Baseline Road and Woodroffe Avenue.

Construction of the project has been completed and almost all of the units have been leased. The building contains a mix of one- and two- bedroom units ranging in size from 863 sq. ft. to 1,306 sq.ft., and is linked to a central pavilion which offers a variety of social and recreational areas. Prices vary by floor and range from \$118,500 to \$195,500 which includes a parking space. Residents also pay a monthly occupancy fee as well as property taxes and utilities. Monthly payments for the smallest unit start at \$830.00 plus utilities and taxes.

The non-profit housing corporation arranged for up to 75% financing on the purchase price with a private lender. The lender offered preferred financing rates and accepted an assignment of the life lease agreement as collateral and security for the loan which could be repaid at any time.

### *Conclusion*

The life lease concept provides a unique resident-funded housing option for mature adults and seniors who want to live independently with people of similar lifestyles. Life lease projects are particularly attractive to aging “empty nester” households as they provide almost all the amenities of private homes with the added benefits of personal security, worry-free maintenance and access to health services.

The cost of life lease projects, however, may put them out of reach of those households who do not have the necessary down payment or the ability to pay the monthly carrying costs. The City of Nepean’s project, although sponsored by a not-for-profit corporation at break-even prices, is affordable only to households who have equity in an existing property or who have sizeable investments and/or personal savings.

## **New Options for Condominium Development**

The Condominium Act was enacted in 1967 and last amended in 1979. It governs the creation, administration and termination of condominium corporations in Ontario. The development industry has long been lobbying for changes to the Condominium Act to expand the range of projects eligible for condominium registration. The government responded by passing the Condominium Act, 1998. The 1998 Act introduces four new forms of condominium ownership:

- Leasehold Condominium Corporations
- Vacant Land Condominium Corporations
- Phased Condominium Corporations

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- Common Elements Condominium Corporations

### *Leasehold Condominium*

A leasehold condominium corporation has the greatest potential of the four new forms to provide affordable homeownership. It refers to buildings constructed on land that is leased to the condominium corporation for a period of 49 to 99 years. The condominium corporation pays a fee, similar to monthly rent, to the landowner which could be an institution such as a university and a hospital or a government which, for various reasons, cannot or will not sell the land yet wishes to earn income from it. The fee payable is collected as a common expense. Without any up front land costs, a buyer should see a lower purchase price, although the monthly common expense fee will be higher because the land component is included. This would appeal to households whose incomes can cover the monthly payments but who are unable to provide the down payment required for the purchase. Leasehold unit holders may transfer, mortgage or lease the unit without the consent of the landowner. The condominium declaration must set out the rent payable for the first five years and a formula for the remainder of the lease.

### *Vacant Land Condominium*

A vacant land condominium means a condominium which can be registered before any structures have been built. This will appeal to developers who see an advantage in being able to commence a project with fewer presales and less paperwork. Each vacant lot is considered a unit. Owners have the choice of holding their unit and deciding at a future date the type of structure they wish to have built. The condominium declaration, however, may set out standards covering the design and maintenance of the structures as well as details regarding the completion of the common elements.

### *Phased Condominium*

This option will allow new condominium developments to be built in phases. The first phase can be registered, then new phases added to that same registered condominium as they are built. Savings will be achieved by avoiding the substantial costs associated with multiple condominium registrations. Phased condominiums will also mean that certain common expenses can be shared by an increasing number of units over time thus gradually reducing the monthly common fee.

### *Common Elements Condominium*

This form of condominium allows owners of freehold land to construct new infrastructure or facilities as common elements with each owner assuming an interest in them. An example could be a group of homeowners agreeing to build a new private road or a swimming pool - all would share in the construction, use and maintenance costs. The individual freehold properties are used as security for the payment of the common expenses.

### *Conclusion*

Each of the new forms of condominium presents potential benefits and savings. Greater flexibility has been provided to developers in marketing new projects and in phasing construction which in the end will benefit the consumer. The provincial government has also streamlined the condominium registration process which may make this form of ownership more attractive to homebuyers.

## **Strata Title Ownership**

### *The Concept*

Conventional horizontal separation of ownership in a multi-unit development is commonly done through the Provincial Condominium Act. In the case of small multi-unit walk up developments (e.g. low-rise apartment buildings and stacked townhouses) condominium registration is time consuming, costly, inflexible and imposes onerous financial security obligations. In addition, the management model imposed through the Condominium Act can be cumbersome for small projects.

The strata title concept is based on the principle that land can be subdivided in three dimensions, vertically (height) as well as horizontally (length and width). By means of a horizontal severance, an apartment or stacked townhouse could be separately owned, mortgaged and sold without the incumbrance of condominium registration. Strata title ownership has the potential of reducing costs for small developments, in particular, infill and mixed use projects. It may also enhance affordability of ownership and allow for easier pre-sale of units.

### *Current Situation*

It has been determined in the course of the research on strata title ownership that there is no specific reference in the Provincial Planning Act to conditions under which a horizontal severance can be granted. The Planning Act must be amended to recognize horizontal severances in order for the local Committee of Adjustment to be able to consider such applications and to put in place conditions to ensure future owners will have equal rights and obligations of ownership.

At its meeting of June 16, 1999, Ottawa City Council approved a motion to petition the Provincial Government for legislative changes to the Planning Act to facilitate stratified severances. City Council also requested the Association of Municipalities of Ontario (AMO) to establish a working group to consider the strata title concept. The City has recently been advised that the Council motion has been endorsed by the AMO Board of Directors. In the effort of achieving legislative changes, The AMO Board directed that a working group be formed, utilizing municipal planning associations to analyze the strata title issue and identify other planning issues that might facilitate local planning initiatives. With the establishment of the working group, AMO will keep the City informed of its work and progress.



December 8, 1999 (3:17p)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

SW:sw

Contact: Stan Wilder- 244-5300 ext. 1-3116

### **Financial Comment**

N/A.



December 8, 1999 (3:11p)

for Mona Monkman  
City Treasurer

CP:cds

December 1, 1999

ACS1999-PW-PLN-0150  
(File: OZP99-23)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT7 - Kitchissippi

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
  - City Council / Conseil municipal
- Action/Exécution

## 2. Zoning - 967 Wellington Street

### Modification de Zonage - 967 rue Wellington

#### Recommendation

That the application to amend the Zoning By-law, 1998 from CN3 F(2.0) to a CN3 F(2.0) exception zone, to permit a duplex dwelling at 967 Wellington Street as described in Document 3, be **APPROVED**.



December 2, 1999 (7:38a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works



December 2, 1999 (11:10a)

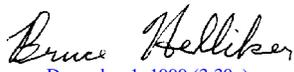
Approved by  
John S. Burke  
Chief Administrative Officer

CL:cl

Contact: Richard Kilstrom - 244-5300 ext. 1-3870

#### Financial Comment

N/A.



December 1, 1999 (3:30p)

for Mona Monkman  
City Treasurer

BH:cds

## **Executive Report**

### **Reasons Behind Recommendation**

The property is located on the north side of Wellington Street, between Hilda and Garland Streets and across from the Somerset Square Park. The building was recently converted to a duplex without a building permit and in contravention of the Zoning By-law. The request is now to permit the conversion of a non-conforming detached house to a duplex dwelling. Section 295 (2) (a) of the Zoning By-law states that dwelling unit are to be located above the ground floor and subsection (b) states further that, the ground floor is to be occupied by one of a limited number of personal service, community serving and/or retail uses. The surrounding Hintonburg neighbourhood is currently the subject of a neighbourhood land use and zoning study. The draft findings of this study, which are on circulation to the public, do not propose to change the zoning or Official Plan designation of the subject property.

The property is situated within the Neighbourhood Linear Commercial land use designation along Wellington Street. With respect to residential units within Linear Commercial Areas, the intent is that they be located above grade. However, as the subject building was designed as detached house, it is not suitable for a commercial use on the ground floor. Therefore, it is considered reasonable that a dwelling unit be permitted on the ground floor of this building until it can be consolidated into a larger development which includes commercial uses.

Parking can be provided for the duplex dwelling in the existing driveway on the property. Required yards and the location of additional parking will be regulated by the residential use provisions of the Zoning By-law.

Therefore, it is recommended that this application be approved.

### **Economic Impact Statement**

The conversion of the existing detached house to a duplex would have no appreciable economic impact on the City.

### **Consultation**

The Hintonburg Community Association responded to the public notification of this application. Comments from technical agencies and concerned City Departments have been incorporated into this submission.

## **Disposition**

Department of Corporate Services, Statutory Services Branch to notify the owner (Brian Dalphy, 2102 Tawney Road, Ottawa, Ontario K1G 1B8) and the Regional Municipality of Ottawa-Carleton, Plans Administration Division, of City Council's decision.

## **List of Supporting Documentation**

- |            |   |
|------------|---|
| Document 1 | Location Map  |
| Document 2 | Explanatory Note  |
| Document 3 | Zoning Details  |
| Document 4 | Municipal Environmental Evaluation Process (MEEP) Checklist (on file with the City Clerk) |
| Document 5 | Consultation Details  |

## Part II - Supporting Documentation

### Location Map

Document 1



THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER \_\_\_\_

By-law Number \_\_\_\_ amends Zoning By-law, the City's Comprehensive Zoning By-law. This amendment affects the zoning of the property located on the south side of Wellington Street, between Hilda Street and Garland Street, and known municipally as 967 Wellington Street. The site is presently occupied by a detached house. The attached map shows the location of the subject property.

Current Zoning

The subject property is currently zoned CN3 F(2.0) which permits community serving commercial uses at grade level with dwelling units and/or offices in the upper floors. The 'F' suffix to this zone indicates that a Floor Space Index of 2.0 is permitted in this property.

Proposed Zoning

The proposed zoning is CN3 F(2.0) with an exception to add a 'duplex house' as a permitted use along with regulations which apply to a residential use-only building.

Further information on the proposed amendment, please contact Charles Lanktree at 244-5300 ext. 3859.

**Zoning Details**

- Part IV of the Zoning By-law applies to a residential use-only building on this property.
- The required parking for a duplex dwelling may be provided as tandem parking in the driveway.

### **Consultation Details**

Notification and consultation procedures carries out in accordance with the early notification procedure P&DPPP/N&C#1 approved by City Council for Zoning Amendments.

#### Supplemental Notification and Consultation

This application was circulated to the Local Architectural Conservation Advisory Committee, however, no comments were received in response.

#### Public Comments

The Hintonburg Community Association responded to the public notification of this proposal by indicating its support. They are satisfied that a duplex house is an appropriate use of this site in their community. They believe that an increased residential component at this location in the CN3 zone, which overlooks a small park (Somerset Square) is acceptable.

#### Application Process Timeline Status

This application, which was submitted on July 28, 1999, was subject to a project management timeline, as recommended by the “ A Better Way Task Force, and a process chart which established critical milestones was prepared. Preconsultation was undertaken by the applicant with community association for the area.

This application was processed within the fourteen to twenty week timeframe established for the processing of Zoning Amendment applications.

#### Councillor’s Comments

Councillor Sean Little is aware of this application.

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December 10, 1999

ACS1999-PW-PLN-0176  
(File: OZP1999-026)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT5 - Bruyère-Strathcona

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

**3. Zoning - 112 - 120 Waller Street**  
**Zonage - 112 - 120, rue Waller**

**Recommendations**

1. That the application to amend By-law Number Z-2K, as it applies to 112-120 Waller Street, to permit a public parking area that is not located in a building or structure for a temporary period of three years, be APPROVED, in accordance with the details in Document 5.
2. That an amendment to the *Zoning By-law, 1998*, as it applies to 112-120 Waller Street, to permit a parking lot that is not located in a building or structure for a temporary period of three years, be APPROVED, in accordance with the details in Document 5.



December 14, 1999 (1:52p)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

REK:rek

Contact: Robert Konowal, 244-5300, ext. 1-3869



December 15, 1999 (9:07a)

Approved by  
John S. Burke  
Chief Administrative Officer

## Financial Comment

N/A.

  
December 14, 1999 (1:29p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendations

#### Background

##### General

The subject property is a triangular-shaped parcel of land, approximately one-half hectare in size with frontage on public roadways on all three sides. The property is currently used as a public parking lot (not located in a building or structure) and has been since 1993 through the approval of two zoning amendments authorizing the temporary use of lands. The most recent approval expired December 3, 1999. This application is requesting temporary approval for an additional three-year period.

##### Recommendation 1

The recommendation of approval to permit a parking lot not located in a building or structure on a temporary basis is based on the following:

##### 1. Authority for Temporary Uses

The Official Plan provides the authority pursuant to the Planning Act, to allow uses not currently permitted by the Zoning By-law to be permitted on a temporary basis provided the land use objectives of the Official Plan are not adversely affected. Council may also extend a temporary use beyond the three-year time period as set out in the Planning Act provided the extension is not considered to jeopardize the long-term development objectives for the area as specified in the Official Plan.

A parking lot on a temporary basis is not expected to undermine the eventual achievement of the long-term planning objectives for this area. No construction of buildings or other significant investment is required on the part of the owner that would result in financial hardship upon termination of the temporary use provisions or that would preclude future

development of the property as the Official Plan intends.

## 2. Official Plan Policy - Temporary Surface Parking Areas

Policy 5.9.2.2 of the Official Plan seeks to discourage the provision of temporary surface parking lots on vacant sites within the Central Area in order to support the reduction of carbon emissions and ensure a vibrant pedestrian environment. When considering a temporary surface parking lot, City Council is to take into account specific parking strategies in the Central Area Secondary Policy Plan. Where temporary surface parking lots are permitted, Council shall ensure that the visual appearance of such sites is enhanced through the use of vegetation.

## Secondary Plan Policy - Land Use Objectives and Parking Strategies

The subject property has been designated by the Official Plan as part of the Rideau/Congress Centre Character Area, a tourist-oriented convention centre/theatre/hotel district. The Official Plan further states that the built environment of the character area is to be pedestrian-oriented and the negative effects of parking on this environment are to be minimized.

The Official Plan has also identified the general area surrounding the subject site as a gateway point to the Central Area. Designated gateways are to enhance the image of character areas through special design treatment of major public rights-of-way at the entrance points to character areas.

The current zoning of the site was established in 1988 to accommodate a high profile, mixed-use development. Under the existing zoning, parking is required to be provided in a building or structure in accordance with the planning objective of promoting a pedestrian-oriented environment. However, the necessary economic/market conditions for such development, which will require significant investment, have not materialized. The owner has investigated alternate development of the site in the past and is still studying development of the site. The owner is not however, able at this time to indicate that development of these lands might be imminent.

The vision for the subject Character Area as a tourist-oriented/theatre/hotel district has only been partly realized to date. The achievement of this vision is thought to rest to a significant degree on the construction of additional convention facilities in this area. Once those facilities are close to being in place it is expected that development of the surrounding area, which includes the subject property, will be accelerated.

The Department does not view the existing use of the subject lands as being desirable in principle. The use of the property as a parking lot does not promote a pedestrian-oriented environment nor does it support the desired image of the Character Area. However, given the circumstances described above, the Department is of the opinion that sufficient efforts have been made in the past to develop the subject property, and the Department foresees that the necessary conditions may be in place for development of the subject property in the not-

too- distant future. The temporary approval will allow reconsideration of the use of these lands as parking lot in three years.

#### Visual Appearance

The landscaping of the property has been regulated by a zoning schedule which provided for a 3.0 metre landscaped strip around the perimeter of the property. This landscaping is considered to be satisfactory and the schedule is recommended to be reinstated.

#### Recommendation 2

It is expected that a general amendment to the *Zoning By-law, 1998* incorporating new zoning provisions for the Central Area will be in place when this report comes before Committee and Council. An amendment to Zoning By-law Number Z-2K is also being undertaken to ensure that a parking lot not located within a building or structure would be permitted on a temporary basis should the general amendment to the *Zoning By-law, 1998* be appealed to the Ontario Municipal Board.

#### Consultation

There was no response from the general public to the posting of a sign. Action Sandy Hill is objecting to the proposed zoning amendment. Councillor Stéphane Énard-Chabot does not object to the proposed zoning amendment provided that any further extensions not be for three-year terms.

### **Disposition**

Department of Corporate Services, Statutory Services Branch to notify the Agent/Applicant (Minto Developments Incorporated, 300 - 427 Laurier Avenue, Ottawa, Ontario, K1R 7Y2), and the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

Office of the City Solicitor to forward the implementing by-laws to City Council.

Department of Urban Planning and Public Works to prepare and circulate the implementing zoning by-laws.

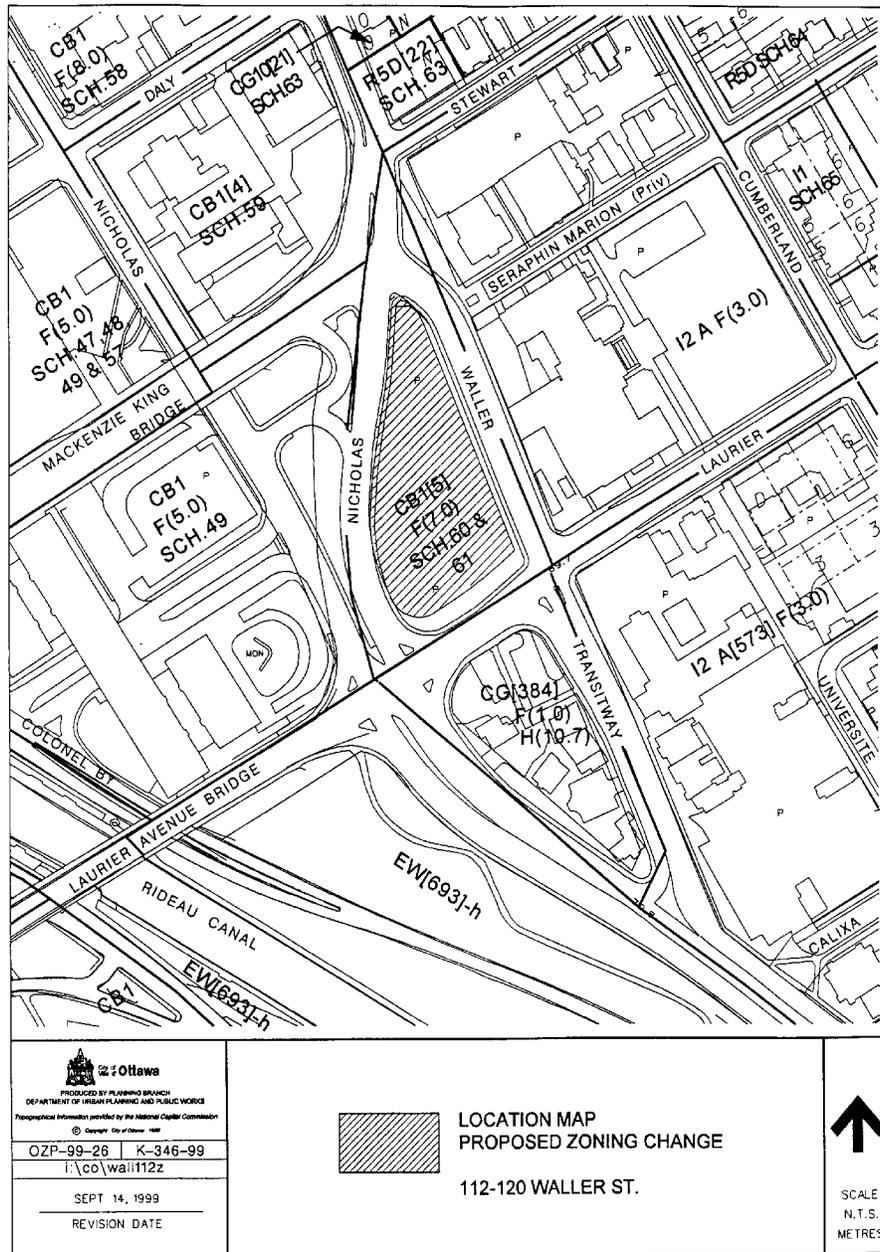
## List of Supporting Documentation

Document 1	Location Map - Amendment to Zoning By-law Number Z-2K
Document 2	Location Map - Amendment to the <i>Zoning By-law, 1998</i>
Document 3	Explanatory Note - Amendment to Zoning By-law Number Z-2K
Document 4	Explanatory Note - Amendment to the <i>Zoning By-law, 1998</i>
Document 5	Details of Proposed Amendments
Document 6	Landscape Schedule
Document 7	Municipal Environmental Evaluation Report (on file with City Clerk)
Document 8	Consultation Details



Location Map - Amendment to the Zoning By-law, 1998

Document 2



## THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER Z-2K

By-law Number \_\_\_\_-99 amends Zoning By-law Number Z-2K, the City's Comprehensive Zoning By-law. The amendment affects those lands known municipally as 112 - 120 Waller Street as shown on the attached Location Map. The intent of the zoning amendment is to permit an outdoor parking lot for a temporary period of three years.

## CURRENT ZONING

The current zoning of the property is RO-x (7.0)[28], a Residential Office Zone which permits a wide range of commercial and residential uses. A public parking lot that is not located in a building or structure is prohibited.

## PROPOSED ZONING

The proposed RO-x-tp (7.0) [28] Residential Office Zone would permit a public parking lot that is not located in a building or structure for a temporary period of three years.

This constitutes the proposed amendment to Zoning By-law Number Z-2K. For further information on this amendment, contact Robert Konowal at 244-5300, ext. 1-3869.

EXPLANATORY NOTE - AMENDMENT TO THE *ZONING BY-LAW, 1998* Document 4THE FOLLOWING IS AN EXPLANATORY NOTE TO THE *ZONING BY-LAW, 1998*

By-law Number \_\_\_\_-99 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. The amendment affects those lands known municipally as 112 - 120 Waller Street as shown on the attached Location Map. The intent of the zoning amendment is to permit an outdoor parking lot for a temporary period of three years.

## CURRENT ZONING

The current zoning of the property is CB1 [5] F(7.0), Central Business District Commercial Subzone which permits a wide range of commercial and residential uses. A parking lot that is not located in a building or structure is prohibited.

## PROPOSED ZONING

The proposed amendment to the CB1 [5] F(7.0), Central Business District Commercial Subzone would permit a parking lot that is not located in a building or structure for a temporary period of three years.

This constitutes the proposed amendment to the *Zoning By-law, 1998*. For further information on this amendment, contact Robert Konowal at 244-5300, ext. 1-3869.

## 1. Amendment to By-law Number Z-2K

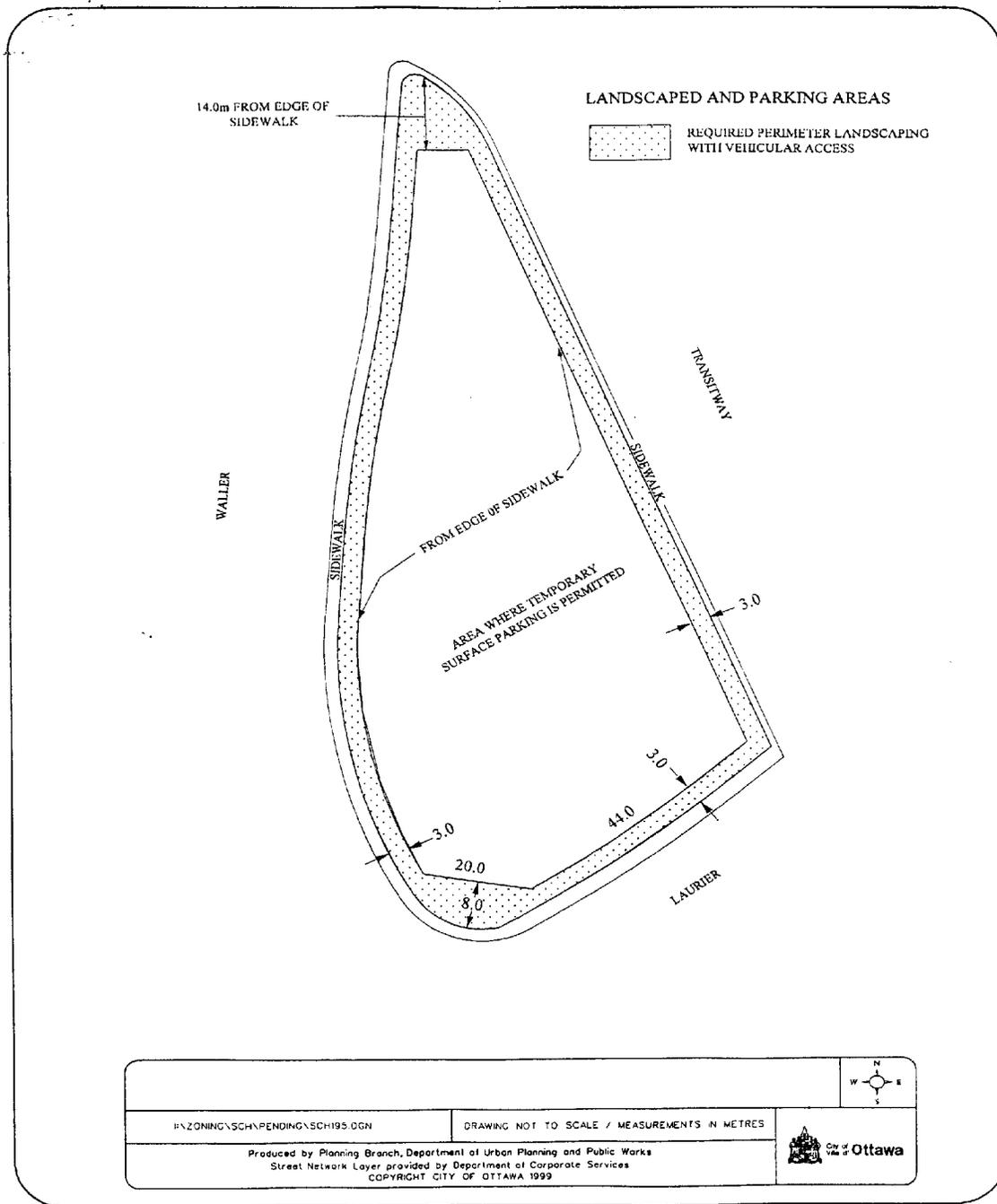
Proposed “tp” suffix added to RO-x (7.0) [28] zone to denote a temporary use provision is in effect. An amendment to RO-x (7.0) [28] zone will detail the temporary provisions as follows:

1. A public parking area that is not located in a building or structure is permitted for a temporary period of three years.
2. In the case of a public parking area not located within a building or structure, landscaped open space is to be provided as shown on Document 6.

2. Amendment to the *Zoning By-law, 1998*

Proposed amendment to CB1[5] F(7.0) subzone to permit a use on a temporary basis as follows:

1. A parking lot that is not located in a building or structure is permitted for a temporary period of three years.
2. In the case of a parking lot not located in a building or structure, landscaped open space is required in accordance with Document 6.



### NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with Early Notification Procedure P&D/PPP/N&C #1 approved by City Council for Zoning Amendments.

### SUMMARY OF PUBLIC INPUT

There was no response to the posting of an information sign.

### ACTION SANDY HILL

Action Sandy Hill advised it objected to the application on the basis that a parking lot is not the best use of the site and that “temporary uses” tend to become “permanent uses”. The Association further indicated that the site should be developed in such a manner so as to serve as a “bridge” between the University/Sandy Hill area and the Downtown.

Response:

The Department agrees with the Community Association that a parking lot is not the best use of the site. However, the Department considers the parking lot to be only an interim use of the site pending re-development in the near future. The amendment provides for temporary approval only. The use of the property for a parking lot beyond this period will require a new zoning amendment application, and will permit reconsideration of the use at that time.

### APPLICATION PROCESS TIMELINE STATUS

The application which was submitted on September 3, 1999, was subject to a project management timeline, as recommended by the "A Better Way Task Force", and a process chart which established critical milestones was prepared. A Mandatory Information Exchange was undertaken by staff with interested community associations since the proponent did not undertake Pre-consultation.

This application was processed within the maximum 135 calendar day timeframe established for the processing of zoning applications.

## **INPUT FROM OTHER DEPARTMENTS OR OTHER GOVERNMENT AGENCIES**

### COUNCILLOR'S COMMENTS

In a response dated October 15, 1999 Councillor Stéphane Émard Chabot indicated the following:

“Through this zoning amendment application, the applicant is seeking permission to allow once again, a temporary surface parking lot for an additional three years. Given that this is the third extension being sought, I wish to inform you that I have no objections to this application provided that any further extension past this one not be considered in three-year terms for the very reason that the longer the site remains vacant, the more difficult it will be to push for its redevelopment.”

### REGION OF OTTAWA-CARLETON

In a response dated October 4, 1999, the Development Approvals Division provided the following comments:

“We are aware that the City is shortly to receive, if it has not already, a parking study which includes parking near transitway stations and that for the purposes of the study, all the Central Area is included in this definition. This parking study will be included in City staff's final recommendations for the Central Area Zoning By-law.

In view of the above we believe that, at the very least, it would be premature to extend the temporary zoning for a three-year period.

In view of the fact that there may be appeals to the Central Area zoning by-law, we cannot assume that the new parking provisions will be in effect by 3 December 1999 which is when the temporary zoning expires.

We therefore recommend that if you decide to recommend an extension of the temporary provisions that this be for no longer than a one year period.”

Response:

The parking study for the Central Area pertains to the parking requirements for new development near transitway stations and does not propose changes to existing zoning regulations governing parking lots.

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October 18, 1999

ACS1999-PW-PLN-0120  
(File: OZP1999/017)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT6 - Somerset

- Planning and Economic Development Committee / Comité de l'urbanisme et de l'expansion économique
  - City Council / Conseil municipal
- Action/Exécution

#### **4. Zoning - 513 Cooper Street** **Zonage - 513, rue Cooper**

### **Recommendation**

That the request to amend the Zoning By-law, 1998, as it applies to 513 Cooper Street, from R5D[166]H(10.7) to a new R5D exception zone to permit accessory parking for a funeral home at 515 Cooper Street, be REFUSED.



October 20, 1999 (9:23a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works



October 20, 1999 (10:45a)

Approved by  
John S. Burke  
Chief Administrative Officer

DJ:dj

Contact: Douglas James- 244-5300 ext. 1-3856

#### ***Planning and Economic Development Committee Action - November 9, 1999***

- ▶ *The Committee deferred Submission dated October 18, 1999 on the following motion:*

*“That the item be deferred until the January 11, 2000 meeting to permit consultation with the Transportation Department to advise the Planning and Economic Development Committee about on street parking options.”*

*Yeas: (3)Councillors Arnold, Émard-Chabot and Kolbus*

*Nays: (2)Councillors Little and Higdon*

- ▶ *Record of Proceedings is attached.*

## Financial Comment

N/A.



October 19, 1999 (9:20a)

for Mona Monkman  
City Treasurer  
BH:cds

## Executive Report

### Reasons Behind Recommendation

The applicant is the owner of the legal non-conforming funeral home located next door, at 515 Cooper Street. The subject property was occupied by a single detached dwelling until it was recently was damaged by fire and ordered demolished by the Fire Marshal. The applicant has purchased the subject property and has been using the site for parking for the adjacent funeral home.

### Official Plan

The City's Official Plan designates the subject property as Residential Area and as Heritage Residential in the Centretown Secondary Policy Plan.

On lands designated Residential, the proposal to use the subject property for parking associated with the adjacent non-conforming funeral home, represents an example of a non-residential use in a residential area. The City's Official Plan contains policies (3.6.2.e), to evaluate the appropriateness of non-residential uses in areas with this designation. It is the Department's position that the proposed rezoning does not satisfy these policies. For example, such uses are intended to be located on a major collector or arterial roadway and are to be isolated from or at the periphery of existing concentrations of residential development. This proposal is neither, it is located in the centre of a residential community on a local road.

It is the intent of these policies to focus on the ability of the non-residential use to co-exist with the surrounding residential neighbourhood. While it is recognized that the funeral home has been at this location for some 75 years, it is also recognized that it has been operating at some concern to the community, as evidenced by the response from the circulation to community groups and the posting of the on-site sign. It is the Department's position that approval of the proposed parking area will constitute an expansion of the existing non-conforming funeral home, which will result in that use moving further away from compliance with the Official Plan policies related to non-residential uses in residential areas.

In addition to general policies in the Official Plan, the subject property is also subject to the Centretown Secondary Plan and is designated as Heritage Residential. This secondary plan contains policies (3.4.5.b) to help evaluate the types of land uses appropriate for areas with this designation. The Heritage Area designation states that lands with this designation shall be protected from intrusion by incompatible land uses and undesirable traffic. It is the Department's position that allowing a parking lot on the subject site is in contravention of these policies as it would allow the expansion of an incompatible land use and increase the amount of non-residential traffic into the area. The Centretown Plan also contains a policy for Heritage Residential Areas which states that the City shall encourage rehabilitation wherever possible. The subject property was occupied by a residential dwelling until destroyed by fire. It is the Department's position that in lieu of the old building being rehabilitated, a new residential building should be constructed on the property, in concurrence with the intent of this policy.

#### Conformity With Surrounding Land Uses

The subject property is located in the Centretown residential neighbourhood and is surrounded completely by residential uses. Presently, the subject use attracts considerable commercial traffic into the residential community. If this application is granted, it is anticipated that the existing funeral home will be able to expand its ability to operate, bringing more commercial traffic into the area, which will have an increased detrimental effect on the surrounding community.

#### Intent of Non-conforming Uses

The subject property and the funeral home on the adjacent land have been zoned residential since 1964, when the City of Ottawa enacted its first comprehensive Zoning By-law. Consequently, since that time, the funeral home at 515 Cooper Street has been legally non-conforming. In zoning the subject property and the surrounding lands as residential, Council decided that over the long term, the entire neighbourhood would be developed as residential. With the passing of the City's new comprehensive Zoning By-law, this desire has been reaffirmed. It is therefore the intent that legal non-conforming uses disappear over time, to be replaced with uses that are allowed by the existing zoning. Permitting this rezoning would not meet this intent as it would strengthen the existence and functionality of the funeral home, thus keeping it in its present location indefinitely.

It should be noted that expanding the funeral home to the subject property could not be considered by the Committee of Adjustment as its powers under the Planning Act do not include the expansion of a legal non-conforming use beyond the original limits of the property.

## **Disposition**

Department of Corporate Services, Statutory Services Branch to notify the agent (J.E. Ironside Consulting LTD., 2055 Prince of Wales Drive, Nepean, K2E 7A4) and the owner (Patrick J Whelan, 515 Cooper Street, K1R 5J1), the Corporate Finance Branch, Review Section, Assessment Control Supervisor and the Regional Municipality of Ottawa-Carleton, Plans Administration, of City Council's decision.

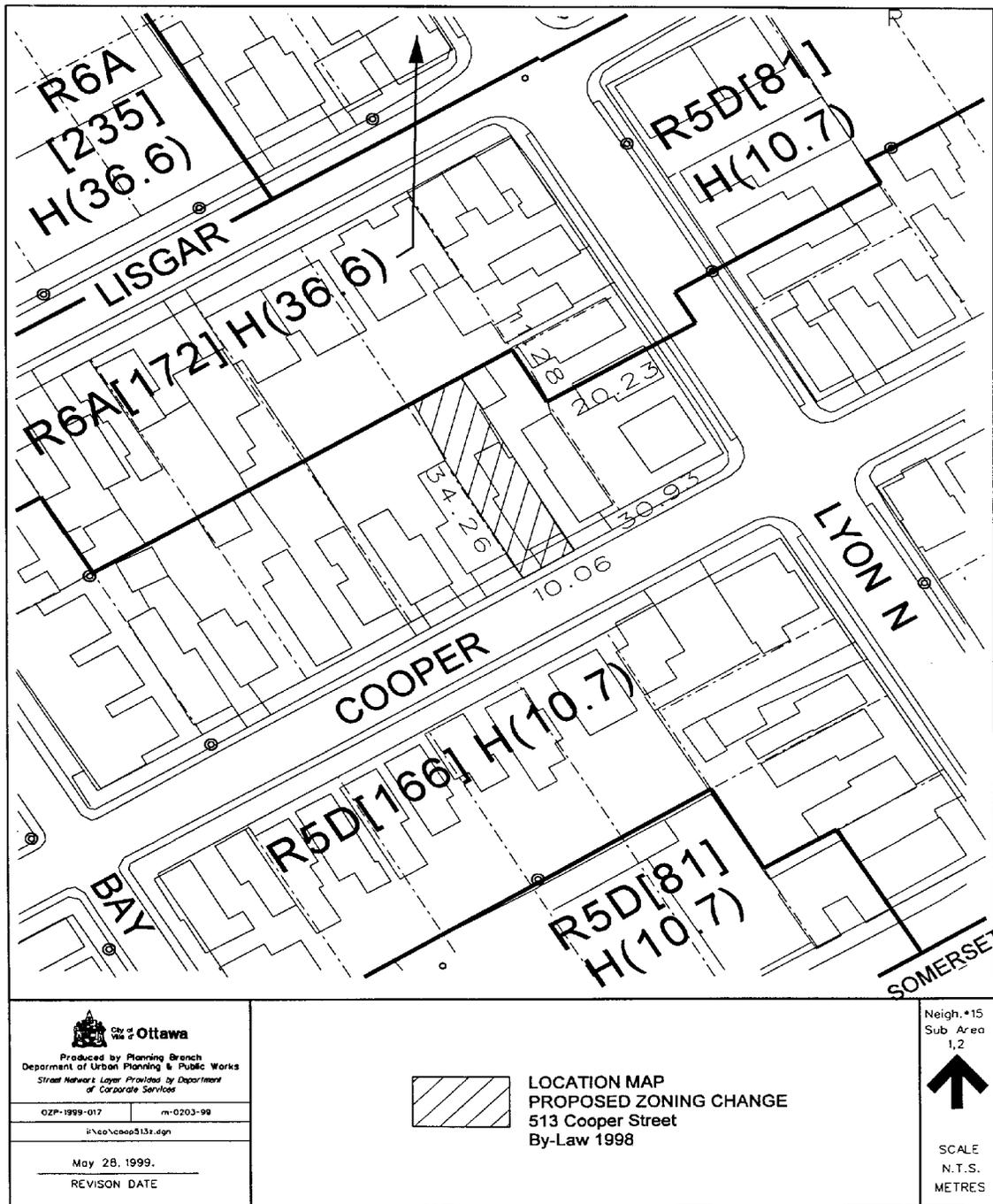
## **List of Supporting Documentation**

- Document 1 - Location Map - Proposed Amendment to the *Zoning By-law 1998*
- Document 2 - Municipal Environmental Evaluation Process (MEEP) Checklist (on file with City Clerk)
- Document 3 - Compatibility With Public Participation Policy/Input From other Departments or Government Agencies

Part II - Supporting Documentation

Location Map

Document 1



NOTIFICATION AND CONSULTATION PROCESS

Notification and Consultation procedures were carried out in accordance with the Early Notification Procedures P&D\PPP\N&C#1 approved by City Council for Zoning Amendments.

In accordance with the notification policies approved by City Council, a sign was posted on the property and a circulation was sent to concerned community groups. Four responses in opposition to the proposal were received as a result of the posting of the on-site sign and three responses in opposition were received from the circulation to community groups. The applicant provided a petition with 26 signatures of people who live in the area, all in favour of the proposal. A summary of concerns and the preamble to the petition is presented below.

Concerns from Posting of the On-site Sign

1. We are opposed to a residential property becoming a commercial property.
2. The parking lot is out of character with the street.
3. Allowing businesses to buy residential properties for commercial purposes is a large step backwards in making the City more hospitable for residents.
4. A new house should be built on this property.
5. The City's Official Plan encourages more residential development in and adjacent to the downtown.
6. Surface parking is incompatible with the community's heritage character.
7. Approval of this application would set an unfortunate precedent allowing commercial uses to spread beyond the confines of the original property.
8. Approval of this application would lead to larger and more frequent funerals at the business. This in turn would increase the amount of traffic associated with the use.
9. I suspect that paving and fencing the site in advance of the application was done to create the appearance of hardship should Council consider refusing the application.

Centretown Citizens Ottawa Corporation•Centretown Housing Co-operative

“On behalf of Centretown Citizens Ottawa Corporation (CCOC), a major rental housing landlord in Centretown, I wish to note our strong opposition to this application.

The proponent, a funeral parlour, wishes to rezone the adjacent lot from its current residential designation, to an accessory parking use. This would contravene all of the City of Ottawa's Official Plan goals of intensifying residential uses in the downtown core. Adding commercial surface parking is also contrary to the Transportation Master Plan.

CCOC, along with the City of Ottawa, has been working for many years now to convert

existing parking lots back to their intended residential use. This has met with much success and solid community support. The rezoning proposed here would set us back to the times where the urban blight and surface parking was allowed to threaten the viability of a strong residential community in Centretown.”

#### Centretown Citizens’ Community Association

“I would like to confirm the opposition of the CCCA to the rezoning request for 513 Cooper on the basis that it constitutes a 100% increase in the area taken up by a legal non-conforming use in a residential zone of Centretown. Under the Centretown Plan, such uses are allowed to expand by up to 25%; requests to exceed this limit by, for example, the Canadian Nurses Association and Kelly’s Funeral Homes have been vigorously opposed by the CCOC.”

#### Dalhousie Community Association

“The Dalhousie Community Association has always promoted the preservation and expansion of residentially zoned land in the downtown and its adjacent areas, and where it is done reasonably and in conformity with existing zoning, residential intensification within the central area of Ottawa. We note that this proposed re-zoning will convert an allowed residential use into a non-conforming one for an indefinite period of time. It will also significantly increase a non-conforming commercial use, thereby putting neighbourhood residential zoning in jeopardy should the business expand further. We must therefore object to this proposed zoning amendment.

#### Response to Posting of On-site Sign and Circulation to Concerned Community Groups

The Department’s recommendation of refusal will address many of the concerns of the surrounding community.

#### Petition Supporting Application

##### Preamble to Petition

“The following undersigned has been informed of the application by Patrick J. Whelan to apply for an amendment to the By-law to allow for accessory parking at 513 COOPER STREET FOR THE WHELAN FUNERAL HOME and has no objection to this proposal.”

This petition was signed by 26 people.

#### Councillor’s Comments

Councillor Elizabeth Arnold provided the following comments:

“I am opposed to this application. The subject site is zoned for residential use and permitting parking on this property will mean that its future redevelopment for housing is unlikely. The area has seen significant residential intensification in recent years and this is a very desirable location for new residential development. If approved, in effect this Application would double the area of non-conforming commercial use by extending it to both lots. Parking is incompatible with the predominantly residential nature of this block of Cooper Street and does not meet the objectives of the Centretown Plan. Permitting parking on this property sets an unacceptable precedent for lots where existing housing has been lost due to fire. The City of Ottawa should limit the spread of surface parking in this neighbourhood”.

#### Regional Councillor’s Comments

“I am strongly opposed to the rezoning of this property to permit ancillary parking for the adjacent commercial use of 515 Cooper Street (a funeral home). This property is zoned for residential use and should be redeveloped in accordance with the City of Ottawa’s and Region of Ottawa Carleton’s Official Plan policies for residential intensification. To permit the commercial use to double in size by expanding onto a residential lot will mean that this property would be unlikely to be redeveloped in accordance with the Official Plan. Adding an additional surface parking lot in this area is contrary to the Transportation Master Plan for discouraging private auto use to and from the Central Area. It will also set an unacceptable precedent for the redevelopment of properties where existing dwelling units are removed by fire or other means.”

#### APPLICATION PROCESS TIMELINE STATUS

This application was received on May, 21, 1999 and was subject to a project management timeline, as recommended by the “A Better Way Task Force Report”. A mandatory pre-consultation and information exchange was undertaken by staff with interested community associations, since the proponent did not undertake pre-consultation. A process chart establishing critical milestones was prepared and circulated as part of the technical and early notification process. This application was to proceed to Planning and Economic Development Committee on September 28, 1999, however, as a result of a need to determine the effects of the illegal expansion of the funeral home on its non-conforming rights, this application was delayed.

## Record of Proceedings

### Planning and Economic Development Committee - November 9, 1999

#### Ref #: ACS1999-PW-PLN-0120

Zoning - 513 Cooper Street

### **Parties Who Appeared**

#### **Arlene Moke**

726 Cooper Street, Ottawa, Ontario

Ms. Moke indicated she was Chair when the Centretown plan was carried out. She spent many hours working on the plan, especially on Cooper Street. There is a Neighbourhood Watch on the street from Bronson Avenue to Lyon Street and she was concerned with the six (6) foot fence. She is a member of Women's Action Centre Against Violence and submitted that anyone could hide behind the fence and no one walking down the street could see that person. If she bought a property beside hers, she would check with the city on the zoning before moving ahead with any changes. At 677 Cooper Street, someone bought and used the lot for parking until she received a complaint from the immediate neighbour regarding the fumes from cars coming into her home through the basement. The re-zoning was denied and the owners built a beautiful home. The same could transpire with 513 Cooper.

#### **Pat Wormworth**

615 Cooper Street, Ottawa, Ontario

Ms. Wormworth has lived four (4) doors from Whelan's for 14 years. She has enjoyed living close to them and has no objection to the parking lot at 513 Cooper Street. The property has always been beautifully maintained. When there are funerals at Whelan's, which is not that often, the front of her home is jammed with parked cars. There was a funeral yesterday with much bedlam. Relative to the comment that people can hide behind the fence, you can hide behind trees. She has lived in the area a long time, walks her dog every night and feels safe with the fence. She knows that Whelan's has long term plans to beautify the property by the fence. As a longstanding neighbour, she has no objection.

#### **Richard Farhat**

611 Cooper Street, Ottawa, Ontario

Mr. Farhat has been a neighbour to Whelan for 45 years, with no problems. They are good neighbours, maintaining their lot beautifully. He did not see how the parking lot would create any problems. It would provide space for parking and provide a convenience to the funeral home. He did not object to the re-zoning request and would disagree with anyone who does.

**Theresa Andre**

507 Cooper Street, Ottawa, Ontario

Ms. Andre has lived at 507 Cooper Street for 35 years. She knows about Lisgar Street, since she lived on that street for 8 years. There are many houses being built in the area, with parking available in their garages, but there is no parking for visitors. The Whelan Funeral Home has been at its location for a long time and provides good service. She found it difficult to speak on the subject, since her son was waked there 10 years ago, this week. She and her husband were very pleased. Her husband had worked for the City of Ottawa for 32 years. It will be 2 years this January that he was also waked at the funeral home. She liked the service provided and the family atmosphere. Unfortunately, there is not sufficient parking, with the streets becoming very congested. She lives on the other side of Cooper at the corner of Lyon, three doors away from the Whelan Funeral Home. In the past, they have used her driveway since there is space for three (3) cars. She feels that because of all the new homes in the area, the parking problems are exacerbated. It would be a good idea for the Whelan Funeral Home to be allowed to park cars off the street.

**Sybil Willette**

612 Cooper Street, Ottawa, Ontario K1R 5J2

Ms. Willette supported the neighbours in the application for the zoning change. She has lived across from the Whelan Funeral Home for 70 years. They are very supportive of the neighbourhood in every respect. The home is beautifully maintained and she was sure the parking lot and landscaping would be the same. There is very limited parking on Cooper Street, one hour, when you can find a spot. The small parking area beside the home would be a real asset for the street and, of course, for their visitors. They have an attractive fence and have landscaped the front so the parking lot is not in view from the street. She supports the Whelan Funeral Home.

**Joan Katz**

Centretown Citizens Community Association  
670 Cooper Street, Ottawa, Ontario K1R 5J4

Ms. Katz is the Vice-President of the Centretown Citizens Community Association and a long time resident of Cooper Street. She opposed the re-zoning of the property. It is a residential area and the Centretown Citizens Community Association strongly supports maintaining that residential character and asks the Committee to agree with the staff recommendation that the property not be re-zoned as a parking lot. It is very important to see the residential character of the area maintained. The area has undergone a lot of change and it requires on-going work to maintain that character.

**Archie Campbell**

President, Dalhousie Community Association  
6-33 Rochester Street, Ottawa, Ontario. K1R 7L3

Mr. Campbell addressed the Committee on behalf of the Dalhousie Community Association. While that Association lies just outside the boundary from the funeral home, the R5 and R6 residential zoning surrounding the funeral home is very similar to zoning in the Dalhousie

area. The Association supports the staff recommendation and opposes the non-conforming business expansion of the funeral home into what is otherwise a very heavy residential area. He has no quarrel with the reputation of the businessman. He was sure that everything the neighbours say about how the funeral home operates is very true, but it was important to concentrate on what the change in land use might mean when the business no longer occupies the site and another commercial operation is in place. As to the parking matter raised recently by delegations, the staff report submits that if the parking were expanded so would the scale of funerals, so with the parking problem, at best, postponed, but still be there.

### **Peter Vice and Jane Ironside**

On behalf of Whelan Funeral Home

Mr. Vice addressed the Committee on behalf of the applicant. The business has operated at the site for 75 years. Over the last couple of years, the average number of funerals has been between 50-60. In fact in this fiscal year ending October, 1999, there were 57 funerals. This is a unique funeral operation. It is not a Hulse and Playfair, nor a Kellys. Usually the service provided involves one day of wake and then the funeral home operator meets the family at the church. For years, in this area, street parking was allowed for three (3) hours, now it is one (1) hour. Mourners would need to go out and move their cars. Whelan's caters more to elderly clients. After the house next door burnt down, Mr. Whelan purchased it, hopefully for the use of parking. Given the number of funerals, this parking lot would be used a maximum of 60 days, in conjunction with the funeral home operation and as long as the funeral home operates at 515 Cooper Street.

Mr. Vice referred to the departmental report, which states there would be an increase in the amount of non-residential traffic. This is not correct. There will be no increase. The traffic the funeral home generates will be better accommodated with this parking lot. With respect to the three letters of objection, from property owners at the rear, he referred to a picture previously distributed to Committee members. The photo depicts wall to wall parking on the back yard Lisgar. If you go through centretown and everyone kept their property that well, with that fenced parking lot, it is not intrusive at all. He understood the objection from Centretown and Dalhousie Citizens Associations, who address broad planning issues. You have to look at each case on an individual basis, but understood where they come from. He asked the Committee to look at this individual application and, further, to listen to the people who live on Cooper Street. Everyone who lives on Cooper Street, between Bay and Lyon, has signed a petition in favour of this lot [See written Submission 11.]. It raises the question - Are the community associations in contact with the people who count? Although they do have their mandate which is the broader planning issue, on individual issues maybe they should go out and talk to their constituents because as heard by a number of people living in the community and every single person on the street signed a petition in favour of the application. He asked the members of the Committee to vote in favour of the application and Ms. Ironside was present to answer any questions of a planning nature.

Ms. Ironside commented on the recommendation the applicant asked the Committee to approve and the wording contained in the submission is appropriate because it does identify that this is accessory parking to the funeral home next door. It is not a parking lot generally for the use of anyone in the neighbourhood. The recommendation would be that the site be zoned to a new R5D exception zone maintaining the residential zoning and to permit accessory parking for a funeral home at 515 Cooper Street.

### **Written Submissions by Parties**

The following written submissions were received:

1. Letter dated November 7, 1999, from Isabella Doyle, 613 Cooper Street, K1R 5J1.
2. Letter dated June 30, 1999, from Ian Cross, 512 Cooper Street, K1R 5J2.
3. Letter dated July 6, 1999, from Nancy Campbell, President, CCOC, P.O. Box 2787, Station D, K1P 5W8.
4. E-mail dated July 5, 1999, from Arlene Moke, 726 Cooper Street, K1R 5J6.
5. Letter dated July 19, 1999, from Sylvie Garneau for Paula Day, 480 Lisgar, K1R 5H3.
6. Letter from Robert Frater and Katherine Scott, 476 Lisgar Street, K1R 5H3.
7. Letter dated July 26, 1999, from David Gladstone, Director, Centretown Citizens' Community Association, 101-210 Gloucester Street, K2P 2K4.
8. E-mail dated July 7, 1999, from Archie Campbell, President, Dalhousie Community Association.
9. Memorandum dated June 17, 1999, from Regional Councillor Diane Holmes to Nigel Brereton, Planning and Development Approvals Department, Region of Ottawa-Carleton.
10. E-mail dated November 8, 1999 from D. Gladstone, Director, Centretown Citizens' Community Association.
11. Petition in support of the application for re-zoning from residents on Cooper Street and Bay Street, same block as the funeral home.

### **Finding of Fact and Recommendation by Committee**

The Committee considered the oral and written submissions presented and, on the basis of the report by the Department of Urban Planning and Public Works, the Committee **deferred** the Submission dated October 18, 1999 on the following motion:

“That the item be deferred until the January 11, 2000 meeting to permit consultation with the Transportation Department to advise the Planning and Economic Development Committee about on street parking options.”

Yeas: (3)Councillors Arnold, Émard-Chabot and Kolbus

Nays: (2)Councillors Little and Higdon



November 12, 1999 (3:58p)

Executive Assistant

Planning and Economic Development Committee

**City of Ottawa Planning Committee,  
111 Sussex Drive,  
Ottawa, Ontario,  
K1N 5A1  
November 7, 1999**

**To Whom It May Concern:**

**As a neighbour (2 doors away) for over 40 years to the Whelan Funeral Home, I wish to support their application to permit accessory parking on the lot at 513 Cooper Street.**

**The Whelan Family have since 1925 provided a valuable service to the community, and always maintained their grounds and building well.**

**It is a reasonable expectation that people visiting a funeral home would have some space to park. I doubt the city would permit a funeral home to open today, unless they provided parking.**

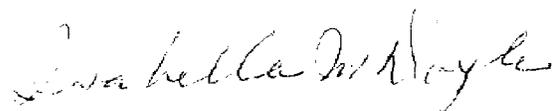
**While years ago on street parking was readily available, circumstances have changed. The street parking is time-limited, and the homes on the block have increasingly been converted to apartments or rooming houses which utilize more of the street spaces.**

**In winter, conditions are further complicated with the deterioration of City services. There are often days when the street is too narrow to park a car anywhere on the roadway.**

**When fire destroyed the building at 513 Cooper Street it was an opportune time for this long established Ottawa family business to provide better service to their families and lessen the pressure for parking which exists on our block.**

**I hope the planning committee will support this proposal.**

**Sincerely,**

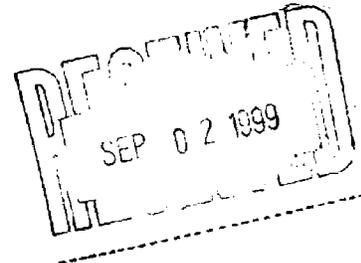


**Mrs. Isabella Doyle  
613 Cooper Street,  
Ottawa, Ontario,  
K1R 5J1**

512 Cooper Street  
Ottawa, Ontario  
K1R 5J2

30 June 1999

Doug James  
Planning Branch  
Dept. of Urban Planning and Public Works  
111 Sussex Drive  
Ottawa, Ontario K1N 5A1



Dear Mr. James:

**Re: 513 Cooper Street - Zoning Amendment to permit surface parking / File No. OZP1999/017**

I am opposed to this application for the following reasons:

1. Both the City and Regional Official Plans seek to encourage more residential development in inner areas adjacent to the downtown. The previous use of the property for ground-oriented housing should be reinstated.
2. Surface parking is incompatible with the area's heritage character and designation.
3. Surface parking is also incompatible with the residential character of the street. The Bay-Lyon block of Cooper Street already includes two legal non-conforming commercial uses (Whelan's Funeral Home at 515 Cooper and R.H. Bounsall Accountants at 616 Cooper), both contained in converted turn-of-the-century houses. As such, they blend in relatively well with the character of the block. Approval of the application would set an unfortunate precedent by allowing commercial use to spread beyond the confines of the original property and not to be contained within a converted house.
4. Approval of the application would, presumably, lead to larger and more frequent funerals at the business. I am also opposed to the noise and traffic which this would engender.
5. As you are aware, the property has already been developed for parking, including pavement and fencing. I suspect this was done before the application for rezoning was made in order to create the appearance of hardship should Council consider refusing the application. I have lived at 512 Cooper since 1980 and Whelan's has never discussed their plans or the rezoning application with us. I cannot but suspect their motives for operating in this manner.

Please advise me when this application is scheduled to go before Planning Committee.

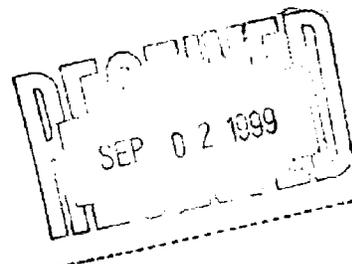
Yours truly,

Ian Cross

512 Cooper Street  
Ottawa, Ontario  
K1R 5J2

30 June 1999

Doug James  
Planning Branch  
Dept. of Urban Planning and Public Works  
111 Sussex Drive  
Ottawa, Ontario K1N 5A1



Dear Mr. James:

**Re: 513 Cooper Street - Zoning Amendment to permit surface parking / File No. OZP1999/017**

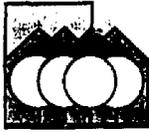
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Please advise me when this application is scheduled to go before Planning Committee.

Yours truly,

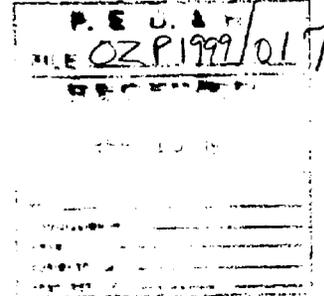
Ian Cross



Centretown Citizens Ottawa Corporation • Centretown Citizens Housing Co-operative  
 P.O. Box 2787 • Station D • Ottawa, Ontario K1P 5W8 • (613) 235-2408 • Fax: (613) 235-4026

July 6, 1999

Doug James,  
 Planning Branch  
 City of Ottawa,  
 111 Sussex Drive  
 Ottawa, K1N 5A1



**Re: 513 Cooper - OZP1999/017**

Dear Mr. James,

On behalf of Centretown Citizens Ottawa Corporation (CCOC), a major rental housing landlord in Centretown, I wish to note our **strong objection** to this application.

The proponent, a funeral parlor, wishes to rezone the adjacent lot from its current residential designation, to an accessory parking use. This would contravene all of the City of Ottawa's Official Plan goals of intensifying residential uses in the downtown core. Adding commercial surface parking is also contrary to the Transportation Master Plan.

CCOC, along with the City of Ottawa, has been working for many years now to convert existing parking lots back to their intended residential use. This has met with much success and solid community support. The rezoning proposed here would set us back to the time where the urban blight of surface parking was allowed to threaten the viability of a strong residential community in Centretown.

We trust that our comments will be reflected in the decision to **reject this application**.

Most sincerely,

Nancy Campbell,  
 President, CCOC

c.c.: Councillor E. Arnold, Somerset Ward  
 Councillor D. Holmes, RMOC

**James, Doug**

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**From:** jarney@ottawa.com  
**Sent:** Monday, July 05, 1999 9:39 AM  
**To:** Doug James  
**Cc:** Elisabeth Arnold  
**Subject:** 513 Cooper St

Re: 513 Cooper St - Zoning amendment to permit accessory parking for adjacent funeral home at 515 Cooper St.

File Number: OZP1999/014

I am strongly opposed to this application. 513 Cooper St is zoned for residential use and if parking was permitted, then we would lose residential development. As chair for the Centretown Plan, this doesn't meet our objectives. I have lived on this street since 1967 and have spent many hours to see a nice quiet street. Please do not approve this application for parking at 513 Cooper St. We are happy to see a lot of older homes on the street. A new home built on this property would be a great gift to Cooper St as we certainly need more housing.

Arlene Moke  
726 Cooper St  
K1R 5J6

July 19, 1999

Mr. Douglas James  
City of Ottawa

Re : 513 Cooper

My name is Sylvie Garneau and I live at 480 Lisgar, just behind 513 Cooper. I write this comment in my name and in the name of the owner, Paula Day, who is presently in Australia. I want to express her strong opposition to the transformation of that lot into a parking lot. The house used to have a nice backyard with a view on another house and its backyard. Turning it into a parking lot would definitely change our environment for the worst.



Sylvie Garneau  
for Paula Day  
480 Lisgar Street  
Ottawa, Ont.  
K1R 5H3

Tel. 230-8746 (h)  
994-7745 (o)

Robert Frater and Katherine Scott  
476 Lisgar Street  
Ottawa, Ontario  
K1R 5H3

To: Planning Branch  
City of Ottawa  
111 Sussex Drive  
Ottawa, Ontario  
K1N 5A1

Re: Proposal for additional parking at 513 Cooper Street

To Whom It May Concern:

We are strongly opposed to the proposal of the Whelan Funeral Home to convert a residential property into a business parking lot, a proposal that makes a mockery of the zoning requirements of this city.

As stated, the proposal seeks to turn the site of a heritage family dwelling into a parking lot. Indeed, it seeks to have the city recognize, as a *fait accompli*, the creation of a parking lot, because this has been its sole use for over a year.

Our property at 476 Lisgar Street is one of three units that back onto 513 Cooper Street. When work commenced on the parking lot, the owners of 476, 478 and 480 Lisgar Street immediately expressed their concerns to the funeral home proprietors. We also contacted our city councillor, Elizabeth Arnold, and the city zoning department.

The proprietors initially denied any intention of converting this property into a parking lot for their business, right up until the packing and grading of the property made it obvious that the land had only one intended use. It is readily apparent now what their intentions were: build it first and hope that the community accept their desire for more parking. Now that they have applied for a zoning amendment, they are presumably hoping that the city will not force them to tear down what has already been built.

We are concerned on two counts. First, the parking lot is out of character with the street and flies in the face of recent efforts to build more residential units in Centretown, many of which have been constructed on adjacent streets. Permitting business to buy up residential property for the sole purpose of using the space for parking represents a large step backward in efforts to the

make the city core more hospitable for residents.

Second, with regard to this parking lot, the owners have built a parking lot that drains directly onto our property. Indeed, during the past winter, the snow was piled up against the back fence, contributing to spring flooding this year. The noise and bright lights - which shine most nights - are a nuisance.

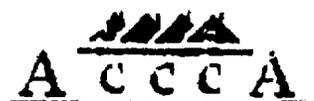
In sum, we oppose this proposal, and ask that the city turn down the amendment request. The residential character of the neighbourhood should be preserved, and the city should seek to maintain the integrity of its process for determining land use. Please do not reward the applicant for their apparent contempt of their neighbours and the planning process.

Yours truly,



Robert Frater and Katherine Scott

476 Lisgar St  
231-6631 / <sup>changed</sup> 792-1835



**Centretown Citizens' Community Association  
Association Communautaire des Citoyens du Centre-ville**

---

101 - 210 Gloucester St., Ottawa, K2P 2K4

July 26<sup>th</sup>, 1999

Doug James  
Planning Branch  
City of Ottawa

Dear Mr. James,

Further to our conversation, I would like to confirm the opposition of the CCCA to the rezoning request for 513 Cooper on the basis that it constitutes a 100% increase in the area taken up by a legal non-conforming use in a residential zone of Centretown. Under the Centretown Plan, such uses were allowed to expand by up to 25%; requests to exceed this limit by, for example, the Canadian Nurses Association and Kelly Funeral Homes have been vigorously opposed by the CCCA.

Yours Sincerely,

David Gladstone  
Director

Cc: G. Sheskay  
E. Arnold  
D. Holmes

**James, Doug**

---

**From:** archie.r.campbell@dfait-maeci.gc.ca  
**Sent:** Wednesday, July 07, 1999 5:28 PM  
**To:** Jamesd@city.ottawa.on.ca  
**Cc:** arnolde@city.ottawa.on.ca; holmesdi@rmoc.on.ca  
**Subject:** 513 Cooper Street - Zoning Amendment to Permit Surface Parking

Re: 513 Cooper Street - Zoning amendment to allow accessory parking for a funeral home-File#OZP1999/017

The Dalhousie Community Association has always promoted the preservation and expansion of residentially zoned land in the downtown and its adjacent areas, and, where it is done responsibly and in conformity with existing zoning, residential intensification within the central area of Ottawa. We note that this proposed re-zoning will convert an allowed residential use into a non-residential one for an indefinite period of time. It will also significantly increase a non-conforming commercial use, thereby putting neighbouring residential zoning in jeopardy should the business expand further.

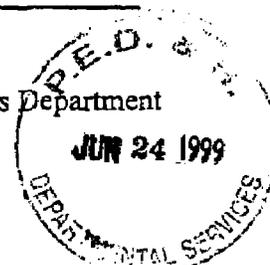
We must therefore object to this proposed zoning amendment.

Archie Campbell  
President  
Dalhousie Community Association

Region of Ottawa -Carleton  
Région d'Ottawa-Carleton

**MEMORANDUM**  
**NOTE DE SERVICE**

<b>Date</b>	17 June 1999
<b>To/Dest.</b>	Nigel Brereton, Planning and Development Approvals Department
<b>From/Exp.</b>	Diane Holmes, Regional Councillor
<b>Subject/Objet</b>	<b>City of Ottawa Re-Zoning Application</b> <b>513 Cooper Street -Request for Surface Parking</b>



This is to make you aware of my comments on the above-noted Application:

I am strongly opposed to the re-zoning of this property to permit ancilliary parking for the adjacent commercial use at 515 Cooper Street (a funeral home). This property is zoned for residential use, and should be redeveloped in accordance with the City of Ottawa's and Region of Ottawa-Carleton's Official Plan policies for residential intensification. To permit the commercial use to double in size by expanding onto a residential lot will mean that this property would be unlikely to be redeveloped in accordance with the Official Plan. Adding an additional surface parking lot in this area is contrary to the Transportation Master Plan for discouraging private auto use to and from the Central Area. It will also set an unacceptable precedent for the redevelopment of properties where existing dwelling units are removed by fire or other means.

Diane Holmes  
 Regional Councillor

c.c.:  
 Councillor Elisabeth Arnold,  
 City of Ottawa

Douglas James, Planning Branch  
 City of Ottawa

**Peel, Tara**

---

**From:** D.Gladstone,DGEPS/DAPM 4-5,994-7113 [ae184@debbs.ndhq.dnd.ca]  
**Sent:** Monday, November 08, 1999 4:09 PM  
**To:** kolbusr@city.ottawa.on.ca; higdona@city.ottawa.on.ca; canningsr@city.ottawa.on.ca;  
emard-chabots@city.ottawa.on.ca; littles@city.ottawa.on.ca  
**Cc:** amolde@city.ottawa.on.ca  
**Subject:** Rezoning Application - 513 Coopre

Members of PEDC,

Re. the application for rezoning of 513 Cooper, I urge members of PEDC to follow the staff recommendation and reject the application. This recommendation is solidly based in the Official Plan which clearly describes the site and its environs as being Residential. As clearly noted in the staff report, the applicant is asking for a 100% expansion in a legal non-conforming use, a request, which if, it was routinely honoured in the City's Residential zones would make the Official Plan effectively inoperative.

If the above isn't justification enough for supporting the staff recommendation, please reflect on the consequences of going against it. There will probably be appeals to the OMB and an outside planner would have to be hired to defend the City's position against that of its own planners.

David Gladstone

Director

Centretown Citizens

Community Association



# Whelan Funeral Home Ltd.

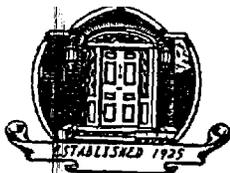
DIRECTORS: PATRICK J. WHELAN  
SEAN P. COPELAND

515 COOPER STREET, OTTAWA, ONTARIO K1R 5J1 • TEL: 613-233-1488

THE FOLLOWING UNDRESIGNED HAS BEEN INFORMED OF THE APPLICATION BY PATRICK J. WHELAN TO APPLY FOR AN AMMENDMENT TO THE BY-LAW TO ALLOW FOR ACCESSORY PARKING AT 513 COOPER STREET FOR THE WHELAN FUNERAL HOME and has no objection to this proposal

DDRESS

NAME : *Sylvia Millotte, 612 Cooper*  
*LUIGI GUIDO 309 BAY ST.*  
*MARIA GUIDO 309 BAY ST.*  
*Isabella Doyle 613 Cooper St.*  
*June McLaffey 144 Malvern Dr. daughter of Isabella Doyle*  
*JAFIFI GEHA 511 Cooper # 1*  
*Maha Apostolopoulos. 511 Cooper # 2.*  
*Maria Khazgatar 511 "*  
*Elizabeth Khazgatar 511 "*  
*Elias Khazgatar 511 "*  
*Genevieve Khazgatar 511 "*  
*Chris - Heather Bousada 510 Cooper St*  
*Theresa Andre 507 Cooper St*  
*April G.M. 611*  
*W. A. ... 610 - #1 Cooper*  
*W. A. ... 616 Cooper Avenue*  
*Arthur J. Davis 616 Cooper*  
*P. S. Barden apt 1/611*  
*Mrs. A. Jansson 624 Cooper*  
*Z. ... 640 Cooper St.*



# Whelan Funeral Home Ltd.

DIRECTORS: PATRICK J. WHELAN  
SEAN P. COPELAND

515 COOPER STREET, OTTAWA, ONTARIO K1R 5J1 • TEL: 613-233-1488

THE FOLLOWING UNDRESIGNED HAS BEEN INFORMED OF THE  
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AMMENDMENT TO THE BY-LAW TO ALLOW FOR ACCESSORY PARKING  
AT 513 COOPER STREET FOR THE WHELAN FUNERAL HOME and has  
no objection to this proposal

ADDRESS

NAME

Petty Adair	663 Cooper
Simona E. Altareanu	668 COOPER
Mrs Victor	622 Cooper
Pat Maguire	620 Coogex <u>and 3</u>
A. Esther Ryan	505 Cooper St.
Margaret	610 Cooper #2.
Christen Parna	610 Cooper #2
Richard Blair	514 Cooper. (owner)
Richard Farhan	611 Cooper (owner)
Alton	67 COOPER
John	609 Cooper.
John M. Whit	618 Cooper St.
P. Wilmont	512 COOPER ST.
P. Wilmont	615 Cooper st.
Dorothy Ramuda	290 Lyon Street



December 16, 1999

ACS1999-PW-PLN-0133  
(File: OZP1999/013)Department of Urban Planning and Public  
WorksWard/Quartier  
OT8 - Mooney's Bay

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

## 5. Zoning - 3600 Riverside Drive

### Zonage - 3600, promenade Riverside

### Recommendation

That an amendment to Zoning By-law 1998, from CG[371], CG2 F(0.25) and CG2 F(1.0) to a new CG2 F(0.25) H(10.7) [371] as detailed in Document 4, Details of Proposed Zoning, for the property at 3600 Riverside Drive , be APPROVED.

December 17, 1999 (7:49a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

December 17, 1999 (10:12a)

Approved by  
John S. Burke  
Chief Administrative Officer

JMS:jms

Contact: Julie Sarazin - 244-5300 ext. 1-3872

### Financial Comment

N/A.

December 16, 1999 (2:53p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

#### Context

The subject property is approximately 7,446 square metres in area and is located on the west side of Riverside Drive, east of Old Riverside Drive, south of Nelligan Lane and north of Malhotra Court. To the north of the site are vacant lands owned by the National Capital Commission, to the west and south is a low-density residential neighbourhood known as the Quinterra Riverwood community. A development proposal consisting of two high-rise buildings was approved by Planning and Economic and Development Committee in 1993 for the lands to the northwest of the subject site (see Documents 2 and 3).

The subject property is currently occupied by a one-storey garden centre which was formerly occupied by Fine's Flowers Garden Centre. The site is currently zoned CG[371], CG2 F(0.25) and CG2 F(1.0), General Commercial zones, which permit a range of commercial uses such as medical facility, recreational and athletic facility, and all types of restaurants and certain residential uses. The applicant is requesting that the subject property be rezoned to allow a funeral home as a permitted use.

The Department has reviewed this request and has determined that the proposed use is appropriate for the subject lands. The Department is recommending APPROVAL of this application based on land use considerations which include the following:

#### Conformity with the Official Plan

The Official Plan designates 3600 Riverside Drive as "Residential Area". There are policies within the Residential Area designation that permit non-residential uses subject to certain criteria being met. It is staff's opinion that the establishment of a funeral home at this location would conform with these policies for the reasons set out below:

##### 1. Location

The subject property consists of a block of land which abuts an arterial road to the east, Riverside Drive. The subject site is separated from the abutting residential community to the west and south by roads. The existing pattern of subdivision has the majority of residential dwellings oriented away from the subject site and facing an internal roadway system. Although the subject site is located across the street from approximately 12 row dwellings, the site is recognized as being located at the periphery of the existing residential community.

## 2. Compatibility with Existing Residential Uses

The residential dwellings across from the subject site consist of townhouses located along Old Riverside Drive and Malhotra Court. In the case of the current zoning, there are no required yard setbacks given that the property abuts roadways, as opposed to other zoning designations. The proposed development standards will require a yard setback of three metres along Malhotra Court, Old Riverside Drive and Nelligan Lane. The three-metre yard requirement, in addition to the width of the roadway system, will provide for a substantial separation distance of approximately 21 metres between the proposed use and the existing residential community to the east and south of the subject site. In the case of the townhomes located across Malhotra Court, these dwelling units face onto Crowsnest Avenue while the rear yards are oriented towards the subject site. A wooden fence, which was required as part of the Site Plan Control process for the residential development, screens the development. The recommended yard set back of three metres will allow for an adequate buffering consisting of soft landscaping which will be addressed through the Site Plan Control process. It is therefore staff's position that the proposal is considered to be compatible with the existing residential uses with regard to adequate buffering and screening.

In addition, the recommended zoning would limit the maximum building height to 10.7 metres which would be consistent with the adjacent residential development. In the case of the current zoning, the maximum building height is 18 metres. The new height restriction (10.7 metres) would be of a scale and profile compatible with the allowable building height of the existing residential community. The proposed floor space index of (0.25) would allow a potential development of one quarter times the lot size, which coupled with the height is expected to contribute to a compatible development.

It is the Department's opinion that funeral homes are considered to be relatively quiet businesses, located on well-maintained properties, and would be less of a physical intrusion than other permitted uses, such as a restaurant, which would bring with it issues related to hours of operation, noise, fumes and traffic.

## 3. Traffic and Parking

At the request of the Department, a transportation analysis has been submitted. The analysis is largely based on data recorded at the Tubman's Funeral Home similar in size and operation to the proposed funeral home. Staffs' analysis has determined that the peak hours of trip generation for the funeral home were recorded as being 9:15 to 10:15 a.m., and 6:00 to 7:00 p.m. The peak hours of adjacent street traffic on Riverside Drive, based on a 1998 turning movement count at the intersection of Riverside Drive and Uplands Drive, were 7:30 to 8:30 a.m. and 4:30 to 5:30 p.m. Therefore, it is anticipated that the peak hours of trip generation for this site will not correspond to the peak hours of adjacent street traffic, and that there are sufficient breaks in the traffic stream flow to allow vehicles generated by this type of operation to use the intersection of Nelligan Lane and Riverside Drive. Significant delays are not anticipated for vehicles executing eastbound left turns onto Riverside Drive from Nelligan

Lane, or northbound left turns onto Nelligan Lane from Riverside Drive. As a result, a driver's desire to access/egress the area through the Kimberwick Crescent and Riverside Drive intersection is expected to be minimal. This, combined with the total trip generation figures for the site, allows staff to conclude that the traffic volume increase on the residential roads due to the proposed development will be minimal and acceptable from a transportation planning perspective.

### Cultural Concerns

The main issues raised by this application are cultural and religious. They have been raised predominantly by Chinese-Canadian and other Asian-Canadian residents. These cultural and religious concerns are best described by Dr. Jordan Paper, an associate professor of religion at York University, who provided a witness statement at an Ontario Municipal Board hearing relating to a funeral home in the City of Markham. In the Board's decision on that case, Dr. Paper's testimony on the matter was summarized, in part, as follows:

A funeral home is a place to be avoided and it was believed that the body, after death and before burial, if not properly cared for within its own home, could cause loss of a job, business failure, sickness or death. It was his opinion that no other religion has a parallel to such an aversion, that it's at the heart of Chinese religious and cultural understanding. He was of the opinion that the consequences of close proximity could be that businesses with Chinese employees could have difficulty in keeping them and getting new ones, that Chinese clientele would be lost in that if a client understood the business to be in the vicinity of the funeral home, the client would do business elsewhere. He was also of the opinion that residents could feel compelled to sell their houses and move. He was unable to predict the level of harm that might be caused and he could not make any specific recommendations as to how great the distance separation should be. He felt it would be appropriate to survey the community and find a comfortable distance.

Dr. Paper's testimony also stated the following:

Since the dead can powerfully influence the life and the fortunes of the living, and only the spirits of dead kin, if properly cared for, are benign to members of their own family, the spirits of non-relatives, other than deities, are potentially dangerous and to be avoided. Funeral homes are places where corpses are prepared and temporarily stored. For those of Chinese culture this creates a dangerous situation to be avoided at all cost. This understanding as outlined above, arises from the very nature and essence of Chinese religion, and is part of the consciousness of those imbued with the culture, regardless of class and educational background. Corpses in funeral homes are the abode of non-family spirits in a "liminal" state: they are between death and burial (or cremation). Because they are not contained by the familiar surroundings of their own home, they have potential to wander

from the premises and affect those passing by. Such effects are much more likely to be deleterious than beneficial, leading to illness, poor fortune (business losses, family problems, failure in examinations etc.), or even death. Chinese tend to avoid such premises or pass them by quickly; they certainly will not linger in the vicinity. Therefore, it is most understandable that Chinese families would consider the creation of a funeral home in the vicinity of their residences intolerable.

The Department, while acknowledging the cultural issues, requested of the Community Association additional information to provide staff with a better understanding of how these issues might relate to land use planning. In accordance with this request, the above-noted testimony from Dr. Jordan Paper was submitted to staff, as was a submission from the Community Association (see Documents 6 and 7). As well, a document was received from Dr. Marie-Françoise Guédon, Associate Professor of Religious Studies at the University of Ottawa, providing information on the cultural issue ( see Document 8). Dr. Guédon's submission is divided into eight sections, all of which address religious and cultural beliefs of various cultures.

The Department carefully has reviewed all the documentation submitted by the Community Association. It has provided staff with a better understanding of the ethnic diversity of the adjacent community and the cultural issues pertaining to this application. However, the documentation provided does not directly address the proposed funeral home with respect to land use-related issues. Reference is made to the spatial separation of a funeral use from the adjacent neighbourhood as a means of dealing with these issues. The Community Association in its submission speaks to a separation distance of 250 metres from a residential zone with substantiation referencing the precedent used for establishing separation distances for adult entertainment parlours. Dr. Guédon in her document addresses possible locations of a funeral home related to the subject neighbourhood. She states:

Because of its ethnic composition, the neighbourhood in question has precise needs; an acceptable site for a usable funeral home would be located South of and away from the Quinterra development itself, that is South of Hunt Club Road, or West of Prince of Whale [sic] Drive, or at least West of the Rideau River, in any case away from other residential areas (if one wanted to respect the Hindu preferences). Others uses considered negative and polluting could also be located a short distance from Riverside Drive and North of the CN railroad tracks.

Dr. Guédon goes on to aver that "It will be noted that other funeral homes exist in Ottawa South. The residents of the Quinterra neighbourhood are happy with those establishments."

Dr. Paper in his testimony to the OMB offered no opinion on the separation distance issue nor did he specifically deal with the issue in a follow-up e-mail to the Community Association.

The Department has concluded that although “distance” would mitigate the issue from a cultural point of view, it would need to be at a distance far from the neighbourhood. Despite available mitigating site planning techniques and an ability to avoid this site entirely by entering and exiting the neighbourhood from Kimberwick Drive, the subject site would not be acceptable to address the cultural issues. Dr. Guédon summarized it concisely as follows:

As far as the Fine’s Flower site, 3600 Riverside Drive, is concerned, alternative routes which may be used to avoid such uses (i.e. funeral homes) have to consider the main objections of the residents, that is proximity and the culturally offensive nature of the business. Walls, different exit routes, orientation of buildings, and so on will not answer those objections. The only possible response is to remove the proposal altogether and consider alternative sites.

The Department cannot support this position. A funeral home meets a community need and they must be located throughout the city. Indeed, many funeral homes are located adjacent to residential areas and co-exist with each other, for instance in south Ottawa, funeral homes are located at Walkley Road and Ayers Avenue, and at Hunt Club and Albion Road. In Centretown, two funeral homes are located on Somerset Street where many Asian-Canadians work, live, shop and entertain.

To summarize, the Department recommends approval of this application because the proposed use meets the Official Plan policies for Non-Residential Uses in Residential Areas and is a use which will have less of a physical intrusion on the neighbourhood from a land use perspective than other uses already permitted by the existing zoning.

### Economic Impact Statement

There are no economic impacts associated with the rezoning of this property.

### Environmental Impact

The Municipal Environmental Evaluation Process (MEEP) checklist indicated no adverse environmental impact.

### Consultation

Public consultation included a public meeting which was held on June 21, 1999, within the community to discuss the proposal. As a result of this meeting and the posting of the on-site information sign, a total of 34 written responses, five of which were petitions containing approximately 122 names, were received as a result of the posting of the on-site information sign. The following issues were identified by the community: cultural issues related to the proposed use and the possibility of alienating part of the community, emotional disturbance created by the proposal, impact on property values, and traffic impact.

A response from the City's Equity and Diversity Committee was also received. An additional meeting with representatives of the Quinterra Riverwood Community Association and the ward Councillor was held on October 19, 1999, at which time a draft discussion paper prepared by the community association was tabled. Staff requested that the community provide additional information to elaborate on the cultural impact. The Community Association has responded by providing staff with a copy of Dr. Jordan Paper's testimony related to an Ontario Municipal Board hearing for a proposed funeral home in the City of Markham, a second discussion paper prepared by the community association (on file with City Clerk) and recent correspondence from Dr. Jordan Paper in response to community association enquiries regarding the proposed funeral home. In addition, a document by Dr. Marie-Françoise Guédon, Associate Professor of Religious Studies at the University of Ottawa has been submitted (on file with City Clerk). A final meeting with the representatives of the Quinterra Riverwood Community Association and the ward Councillor was held on December 8, 1999. A summary of the written concerns received from the community may be found in Document 7 of this submission.

#### APPLICATION PROCESS TIMELINE STATUS

This application which was submitted on May 11, 1999, was subject to a project management timeline, as recommended by the "A Better Way Task Force Report". A process chart establishing critical milestones was prepared and circulated as part of the technical and early notification process. This application was to proceed to Planning and Economic Development Committee on September 28, 1999. However, the need for the applicant to provide traffic information, in addition to a request from the applicant's solicitor, has required that this submission be rescheduled to January 11, 2000.

Mandatory Information Exchange was not required since no community associations were identified for Mandatory Information Exchange at that time. However, as a result of this application, the Quinterra Riverwood Community Association has been identified for future Mandatory Information Exchange.

#### **Disposition**

Department of Corporate Services, Statutory Services Branch to notify the agent (J.L. Richards & Associates Limited, 864 Lady Evelyn Place, Ottawa, Ontario, K1Z 5M2 Attention: Daphne Wretham); the Corporate Finance Branch, Revenue Section, Assessment Control Supervisor; and the Region of Ottawa-Carleton, Plans Administration Division of Council's decision.

Office of the City Solicitor to forward the implementing by-law to City Council.

Department of Urban Planning and Public Works to prepare and circulate the implementing zoning by-law.

## List of Supporting Documentation

Document 1	Explanatory Note
Document 2	Location Map
Document 3	Location Map - Quinterra Riverwood Community
Document 4	Details of Proposed Zoning
Document 5	Municipal Environmental Evaluation Report (on file with the City Clerk)
Document 6	Dr. Paper's Document (on file with the City Clerk)
Document 7	Quinterra Riverwood Discussion Paper-Draft (on file with the City Clerk)
Document 8	Dr. Guédon's Document (on file with the City Clerk)
Document 9	Compatibility With Public Participation

## Part II - Supporting Documentation

### Explanatory Note

Document 1

#### THE FOLLOWING AN EXPLANATORY NOTE TO BY-LAW NUMBER \_\_\_\_\_

By-law Number .....amends *Zoning By-law Number, 1998*, the City's Comprehensive Zoning By-law. This amendment affects the zoning of the site located at 3600 Riverside Drive located on the west side of Riverside Drive, south of Nelligan Lane and north of Malhotra Court. The zoning would permit a funeral home.

### **Current Zoning Designation**

The applicable zone designations are CG[371], CG2 F(0.25) and CG2 F(1.0) under Zoning By-law, 1998. These are general commercial zoning designations which allow for a range of commercial and limited residential uses with a maximum building height of 18 metres and no yard setback requirement.

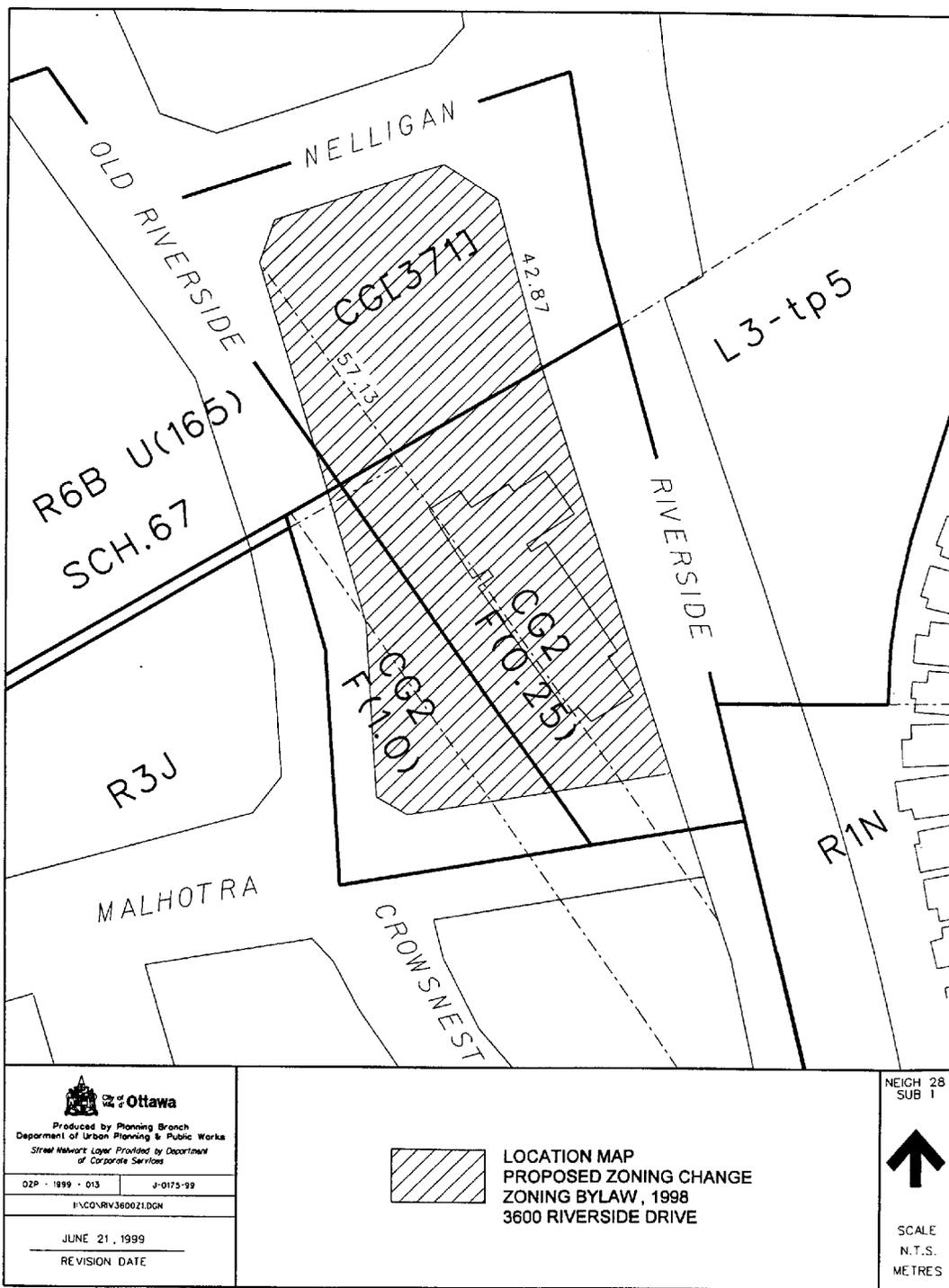
### **Proposed Zoning Designation**

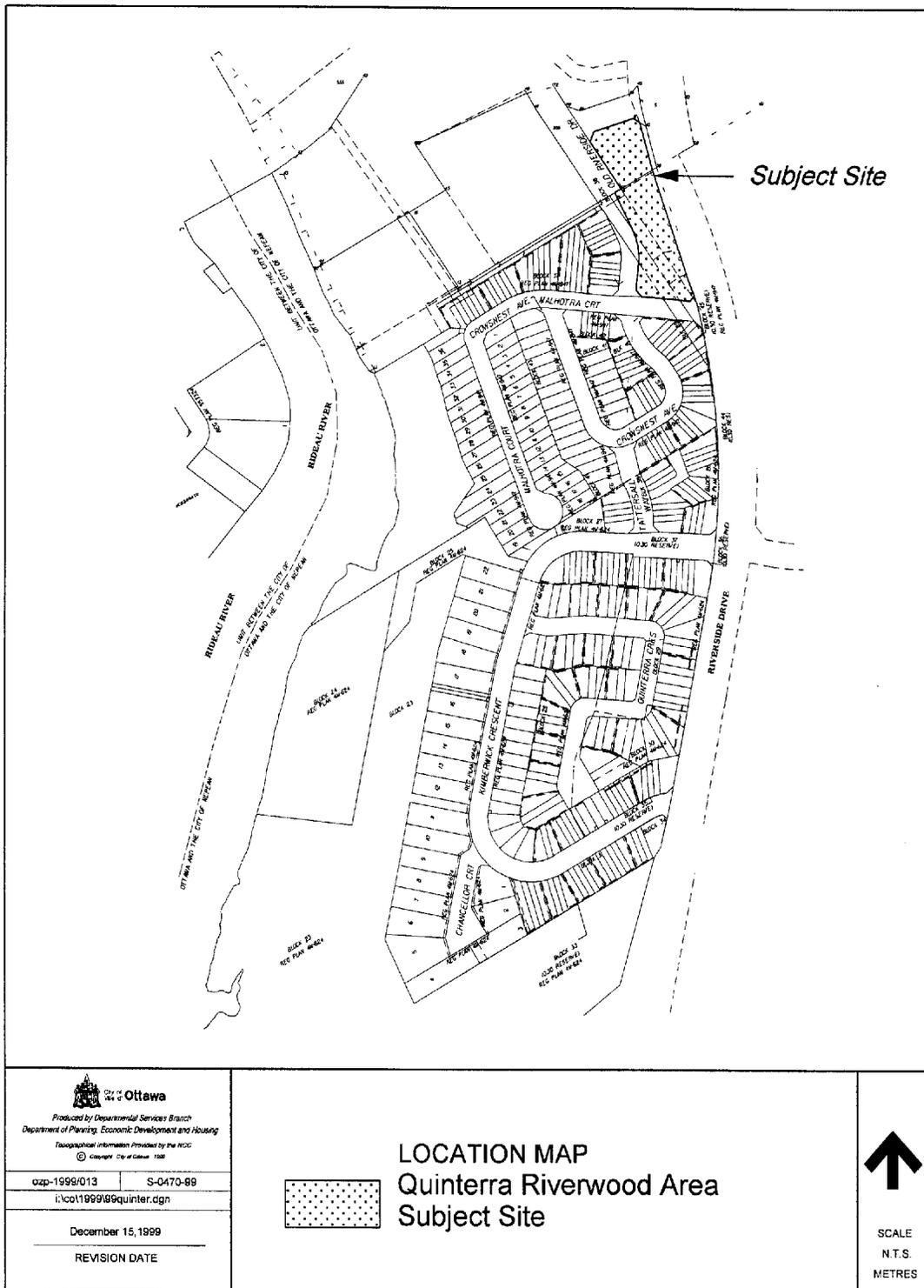
The proposed zoning for the site is CG2 F(0.25) H(10.7) with a new exception. This zoning designation would allow a funeral home in addition to other commercial uses. A minimum yard setback of three metres will be required along the north, west and south property lines. The maximum building height would be 10.7 metres. The floor space index indicates that the gross floor area of the building on the site cannot exceed 0.25 times the lot size.

For further information on the proposed amendment, please contact Julie Sarazin at 244-5300 ext. 3872, Fax: 244-5601.

**Location Map**

Document 2

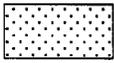





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 Department of Planning, Economic Development and Housing  
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December 15, 1999	
REVISION DATE	

**LOCATION MAP**  
**Quinterra Riverwood Area**  
**Subject Site**



  
 SCALE  
 N.T.S.  
 METRES

DETAILS OF PROPOSED ZONING

Document 4

Subject Site: 3600 Riverside Drive

1. That the provisions as set out in Columns III and IV of exception 371 be repealed.
2. That exception 371 be modified to add the following provisions:
  - a) Add a funeral home as a permitted use, and;
  - b) Add a requirement for a minimum yard set back of 3 metres along the property lines abutting Nelligan Lane, Old Riverside Drive and Malhotra Court.

## COMPATIBILITY WITH PUBLIC PARTICIPATION

### NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation were carried out in accordance with the Early Notification Procedure P&D\PPP\N&C #1 approved by City Council for rezoning applications.

### SUMMARY OF PUBLIC INPUT

There were 34 responses from the posting of the on-site information sign: 14 letters in opposition, 5 petitions consisting of 122 names, and 15 letters of support. The expressed concerns related to such issues as cultural concerns with regard to the impact of the funeral home on certain members of the community, the possible alienation of these members, property values, the emotional disturbance and the traffic impact on the abutting community. An opinion poll conducted by the Community Association on December 4 and 5, 1999, indicated that a total of 221 homes out of 342 responded to the poll. A total of 65.2% were in opposition to the proposal, 15.8% were in support and 18.1% did not voice an opinion.

Due to the limited space of this submission, the comments in their entirety cannot be incorporated into this report. Given the complexity of the cultural impact, staff have included extracts of the comments which have been received. Other concerns have been summarized and incorporated into the submission. It should be noted that the Quinterra Riverwood Community Association has not provided the Department with a written position at the time this submission was prepared.

### Comments in Opposition to the Proposal

#### 1. Cultural Concerns

- “We are strongly against this proposal to build a funeral home at 3600 Riverside Drive. In Chinese culture, it is commonly felt that a funeral home should be far away from residential areas, including the city itself. You can only find funeral homes in the countryside in China. As Chinese, we avoid living close to a funeral home because it will bring bad luck to our life....”
- “It is inappropriate to have a funeral home so close to the residential area. In our cultures, living close to a funeral home or cemetery would affect the occupancies’ wealth and health. Of course, it is mostly based on myth and superstitious...if there is a funeral home or cemetery around my house and if I want to sell my house, I am sure no Chinese or Vietnamese will even consider buying my house. Thus, it has less demand, so a simple rule of “supply and demand” will tell you that the value of the house will not be as high as it should be. Also, the emotional disturbances of a funeral home can certainly affect people who live around there..”
- “Home owners in the area from the Indo-Pakistan subcontinent as also from China, Japan and Korea are equally horrified at the thought of having to live near a funeral

home. Most importantly, the very concept of a funeral home is alien to Hinduism and Islam as well as Buddhism and other Oriental philosophies. ....The worlds of the living and the dead are kept strictly apart in Hinduism too. To mix the two will be culturally insensitive and a deliberate affront to the religious beliefs of the South Asian and Oriental communities and Muslims living in this area.

- “First and foremost, to build a funeral home in a residential area where many residents are originally from Asia and South America, especially from China, including Hong Kong, and as well as India, Pakistan, etc., is culturally insensitive and controversial. In Asian and South American cultures and religions, it is common sense that funeral homes should be built far away from residential areas. This belief is based on Oriental religious, including Buddhism, Taoism, Islam and *Fenghui* theories. According to Oriental philosophies, the universe is divided by two major forces, one positive (*Yang*) and the other negative (*Yin*). The harmony between the positive and the negative forces is of great importance to the world’s well-being. However, funeral homes and graveyards are among the very few things which are full of the negative force *Yin*, and contain no positive elements whatsoever. Thus, a funeral home is considered to have the power to ruin the balance and harmony in the surrounding areas and affect humans’ well-being in all respects, including health, wealth, life expectancy, children’s growing-up, career, and so on.”
  - “In our Chinese and other Asian cultures, a funeral home close by our homes means bad “fengshui” (i.e. bad fortune) to our families. The influence is so strong that we would be all considering moving out of this community if the proposal get approved. Many Chinese/orientals, especially older peoples, believe in the existence of “spirit” after death and being hunted by these spirits if you are close by the dead people. They also believe in being hunted to death if a person is physically or psychologically weak, or if a person is in his bad-luck year.”
  - “It takes tolerance, understanding, respect and compromise on the part of all members to nurture a community and have it evolve into one with a collective identity where diversity of cultures is respected and supported.”
2. Alienation of Members of the Community
- Alienating a significant part of the community is unacceptable. Not only would it cause the members of the these cultural groups great distress, it would shift the cultural bias of our community toward a more homogeneous population. This is not reflective of the diversity of our community at large.
  - The proposed use will mean mass exodus of Asian people, and would be detrimental in encouraging other international people as potential home owners in the future.
3. Traffic and Parking issues
- Traffic levels on Riverside Drive are rising due to the growing community to the south. The proposal will increase the traffic congestion already occurring during rush-hour. The funeral processions will contribute to the existing congestion along Riverside Drive.

- Increase in through-traffic on surrounding streets to access the Kimberwick/Riverside Drive signalized intersection.
  - The proposed funeral home and funeral processions will hamper traffic on Riverside Drive, compounding the already existing congestion problem.
  - We are concerned that sufficient parking for the Funeral Home will not be accommodated on-site. This will force visitors to park on the nearby residential streets.
  - We are also distressed at the planning process in this regard; how can a decision on approval of this zoning amendment be made without the benefit of all of the facts? If it is discovered during the site planning that the location does not offer sufficient space to create the necessary amount of parking, there will be a lack of sufficient on-site parking for the funeral home and the overflow onto residential streets and vehicular access to the site.
4. Devaluation of Property Values
- Concerned about the impact such strong cultural opposition to a funeral home would have on re-sale of homes in the area. It appears as though many of the current residents will opt to sell their homes if re-zoning for a funeral home is approved. This will have a negative effect on the marketability and the re-sale value of properties in the vicinity.
  - Such a building will inevitably decrease the property values in the area and will make resale of our home very difficult, even in today's market.
5. Emotional Disturbance
- The proposed funeral home will create a sense of discomfort, generate negative feelings and will be emotionally disturbing for residents living in close proximity to the subject site.
  - A funeral home generates negative feelings and can be very emotionally disturbing to someone who is ill or who has lost a loved one.
  - I do not wish to be reminded of my mortality and that of my family members on a daily basis.
6. Other Issues
- An amendment to rezone the property to a CG12 designation will include undesirable and incompatible uses such as hotel and club.
  - Concerns relating to other surrounding developments such as the Urbandale development.
  - We agree with the current zoning designation and feel that this zone is reflective of the needs of the community. Many of the listed permitted uses are very appealing and a definite enhancement to a residential community (i.e. day care, library, instructional facility, medical facility etc.). The proposed use will not serve the surrounding community.
  - What was the rationale behind the decision to remove the funeral home use under the

*Zoning By-law, 1998* when the previous by-law permitted the use.

- The City of Ottawa should process application for the permitted uses rather than waste resources to amend the current zoning requirement to accommodate the non-permitted use of a funeral home.
- Funeral homes should be permitted in an industrial/general commercial zone, which is segregated from a residential neighbourhood.
- The design of funeral homes tend to be large, awkward structures that overwhelm other buildings in the surrounding area, our homes.
- Concerns relating to site access located along the residential streets. It is difficult to comment on the development without knowing the size of the building or the number of parking spaces to be allotted.
- The proposed funeral home will not serve the community. The other listed permitted uses would be of value to the families of the neighbourhood.

#### Response to Comments in Opposition

##### Cultural Issue and Alienation of Members of the Community

The Department recognizes that there are cultural issues relating to the proposed funeral home, however, staff's recommendation to approve the rezoning application must be based on sound land use planning principles as presented in the rationale section of the report.

##### Traffic and Parking Issues

- A traffic impact analysis was submitted to the Transportation Division of the Licensing, Transportation and Buildings Branch for review. It has been determined that as the peak hours of trip generation for the proposed funeral home and the peak hours of traffic on adjacent streets do not coincide, there will be no significant adverse traffic impact on the surrounding residential community or on Riverside Drive. In addition, it is anticipated that there will sufficient breaks in the traffic stream flow to allow vehicles generated by this type of operation to use the intersection of Nelligan Lane and Riverside Drive. It has therefore been determined that vehicles wanting to use the signalized intersection at Kimberwick and Riverside Drive will be minimal. This, combined with the total trip generation for the proposed development, will have minimal impact on through-traffic on residential streets.
- The applicant's on-site parking requirement, as stipulated in the by-law, must be met and the location of parking as well as access and egress to the site will be reviewed during the Site Plan Control approval process. A preliminary review of the proposal indicates that the proposed use will provide the required parking spaces.

#### Devaluation of Property Values

- From a planning perspective, the property is currently zoned commercial and will remain commercial, and therefore it is anticipated that there will be no change to the property value by the addition of the proposed use.

#### Emotional Disturbances

The Department is sympathetic to these concerns, however staff's recommendation is based upon land use planning rationale.

#### Other Issues

- The proposed zoning designation CG2 with a new exception does not include a hotel and club as permitted uses.
- The rezoning to allow a high-density residential development (Urbandale) was approved by City Council in 1990, prior to the low-density residential community located to the south being developed.
- The funeral home use was removed from the General Commercial zone on a City-wide basis because it was determined that this use has a wide appeal, and has the potential to attract large volumes of traffic and generate a large demand for parking. This was not a site-specific decision, but a city-wide decision for the General Commercial zones which are located throughout the City (i.e. in the middle of a residential area, as well as along the periphery of a residential community). The addition of a specific use, in this case a funeral home, is evaluated on a case-by-case basis through the rezoning process.
- This proposed rezoning will not remove any of the existing permitted uses.
- Under the Planning Act any individual is allowed to submit a rezoning application requesting modification to permitted uses. Since the City of Ottawa has received a rezoning application it is required to process the application.
- Staff have reviewed the rezoning proposal and have determined that the proposed rezoning is compatible with adjacent residential uses, as indicated in the rationale of the report.
- The proposed building location and site access will be reviewed during the Site Plan Control approval process.
- The listed permitted uses in the CG zone are not limited to serving the surrounding residential community.

### Comments in Favour of the Proposal

- Alternative permitted uses would potentially be far more detrimental in terms of commotion, noise, all-hour traffic and the potential for unpleasant incidents than would be the case with a funeral home. The cultural sensitivity argument put forward by a number of residents of Quinterra/Riverwood is appreciated. But few if any of these residents appear to live in the very immediate vicinity, which should have a bearing in any decision involving amending existing by-laws. There are alternate exits from the development if the sight of the funeral home is to be avoided at all costs.
- I do sympathise with the cultural issue, however, the best possible commerce for this location is a funeral home. The list of commerces permitted at this location would allow a Macs Milk or a Denny's behind my quiet little house. Culturally those things would make me unable to live in my home, it could be argued, since I would no longer see it as a place away from the city, as a safe place, as a location where children could play without undue worrying. The Tubman's funeral home would be a nice quiet neighbour, the location will surely be nicely landscaped. There will be no late noise, little traffic other than during the day, no teenagers "hanging out". The concerns regarding the hearses and processions, are a reality of life and it is to the owners' interest for these issues to be handled as discreetly as possible. I'm sure that a suitable garage will be constructed, and very little will be seen which might be considered visually inappropriate.
- We realize there are cultural issues raised by the Asian residents of the community. If the Tubman Family are denied their application, some other commercial use of the said land will be found which may offend other residents of the community.
- I agree with the rezoning provided that privacy fencing is erected all along the west side of the site along Old Riverside Drive and that the parking lot entrance on Old Riverside closest to Malhotra Rd be removed to provide for more separation between the funeral home and the residential area. By removing the entrance on Old Riverside Drive, the funeral processions would leave the site by using roads other than Old Riverside Drive.
- This type of building will be an enhancement to the site, which has been sitting empty since Fines Flowers left and which has become subject to vandalism. Funeral homes are very well maintained, very well landscaped, and their architectural designs are quite often very tasteful. External ornaments such as signs are often made in good taste as opposed to the flashing neon signs often found at restaurants or office buildings. This type of business will be very quiet which is very important given the extreme closeness to our home.
- A funeral home will not create noise, vandalism or late night activity as opposed to a strip mall or a grill bar and will present almost no parking/traffic congestion. Should a walk-in clinic be built on-site, it would most probably charge for parking like most of them do and therefore patients would tend to park in the adjacent streets. We drive by three funeral homes on our way to and from work and we never see overflow of parking from their sites.
- Funeral homes create no kitchen fumes/smells and almost no garbage as opposed to other types of businesses such as a restaurant or a strip mall. In addition, a funeral home

is unlikely to place a garbage dumpster on the side facing our homes. When Fine's Flowers had a dumpster in front of our home, residents from our neighbouring streets made it a habit to fill and overfill the dumpster with their garbage. This is not likely to happen with a funeral home on the site.

- It has been said that a funeral home on the site would bring bad luck to the Asian residents. It is difficult to understand this given that in the area known as "Chinatown" (Somerset and Bronson) there are two funeral homes that apparently do not seem to present a bad luck obstacle for the ever increasing number of residents of Asian descent in that area. Another comment made by our neighbours of Asian descent was that it is their belief that the spirits inside a funeral home would try to kidnap those who walk-by the funeral home. We believe (having been raised under Christian beliefs) that upon death, our souls reach for Heaven in search of eternal peace. As such, we find that statement made at the meeting somewhat offensive.
- Firstly, I would argue strongly that those most directly affected by the rezoning should be the ones whose views should carry the most weight. There were many speakers at the community meeting who live at the other end of our community or even several streets away from the property in question and while their views must be solicited, it is those who live adjacent to the Fines Flowers site who will be directly affected and who will have to live with whatever commercial establishment is constructed on the site. Those not living within sight of the proposed funeral home will at most only see the property as they pass along Riverside, are able to enter and exit the community via the two Kimberwick accesses onto Riverside, and will not be directly affected by the traffic, parking and related impacts of the establishment. While it is true that certain Asian cultures find funeral homes and cemeteries uncomfortable and disquieting, there are ways of avoiding the negative influences by simply taking one of the other routes to/from Riverside (via Kimberwick); it is not essential to take Malhotra or Nelligan to get to the bike path, sidewalk or Riverside. Unless one lives directly beside a funeral home, it is relatively easy to avoid looking at or passing by the site. As one of the small number of people whose property is adjacent to the Fines Flowers property, I feel very strongly about the need to minimize the negative affects associated with whatever business is established on the site. While we all agree that a park or green space should be the preferred option, the site is and will remain commercially zoned. The alternative of a strip mall, a 24 hour fast food joint, a gas bar or other noise, traffic and litter producing enterprise would be totally offensive to those of us closest to the site. As soon as the proposal from Tubman's was made public, I took the liberty of visiting some of their other facilities in the region and I have full confidence that they would transform the Fines site into an aesthetically pleasing establishment with minimal noise, traffic, litter and other disruptive influences as is the case with their other premises.
- We strongly feel a funeral home would be the best of all options offered for the site on Riverside Drive. We would strongly and vehemently oppose any other commercial development on this site. A funeral home is a quiet and clean business. Other uses such as a restaurant fast food restaurant/bar type business or corner store would detract considerably from our beautiful neighbourhood. Funeral homes would not attract teenage gangs, have garbage bins, have cars squealing out of its parking lots at all hours

of the night, and drunks fighting. Funeral homes can accommodate many different cultures. If people do not want to walk past funeral homes there are many beautiful alternate routes to take in this lovely neighbourhood. However one cannot always escape drunks, the stench of garbage etc.; this in our minds would be unbearable.

- I believe most strongly that a community should not be shaped in a manner which is subject to the cultural, religious or superstitious beliefs of any of its ethnic minorities. I am more sympathetic to the benefits to the entire residential community of the use of the subject property for a quiet, relatively low-traffic, well-landscaped purpose given the other “acceptable” uses (from a zoning perspective) which might be put into play. Nearby property owners had the opportunity to be aware of such a use at the time of their purchase. Nearby property values are unlikely to decrease as the result of approval of a funeral home (thereby not providing a financial disadvantage to those who cannot tolerate living with such a facility in their neighbourhood and must therefore relocate). Most of the alternative uses of the site would be highly detrimental to the community.
- We certainly hope that common sense will prevail with your decision making and not that of cultural superstitions as indicated by a few people at the meeting who do not live within view and earshot of the proposed facility. We support the operation of a funeral home provided that modifications are made to the site (privacy fence, modification to the on-site vehicular access), and modifications to the roadway (include a “control bull nose” south of the marina entrance etc.) on Old Riverside Drive in order to reduce extra traffic which would be created by the operation of the funeral home and the Urbandale development.
- When we purchased our home on Quinterra, we were aware of the commercial use of the above property by Fines Flowers Ltd. We realized that the property would likely change hands in the future and that another commercial enterprise would locate on the property. Naturally, we would hope that future use of the property would lead to the least disruption of the neighbourhood (in terms of noise, traffic and appearance). Therefore we support the rezoning application. This facility will fit in with the adjoining residential community and will have minimal impact on the community.
- Funeral Homes, particularly one as reputable as Tubman’s, offer quiet and attractive surroundings as opposed to other commercial outlets, such as fast-food outlets, restaurants, and /or bars, which in our opinion, create more disturbances, and “hang-outs”. We feel our neighbourhood is a nice, quiet, clean neighbourhood and would like it to remain this way.
- Living adjacent to the lot in question, I am all in favour to the funeral home being built. The negative comments expressed at the general meeting were all expressed from people living almost two blocks down and around the corner from Fine’s Flowers. If it’s a concern to the Asian population why are there two funeral homes situated in the middle of China town on Somerset Street (there is another exit out of our project that you would not have to pass the funeral home). What this meeting tells me is there’s a real need for education in the area of death and dying. We are talking of someone’s mother, father, child or loved one, not some monsters lying in a coffin in a scary funeral home. We are not talking culture, we were hearing superstitions.
- We have no objections to the proposed rezoning of the subject site that would permit

the establishment of a funeral home, providing that the existing greenhouse is eliminated and the number of parking spaces is increased accordingly, and that a screen is erected on the northwest side of the building to block any view of the service entrance.

#### Correspondence from the Advisory Committee on Equity and Diversity

The Advisory Committee on Equity and Diversity at its meeting of August 9, 1999, considered the rezoning application for 3600 Riverside Drive and approved the following motion:

“Whereas the Advisory Committee on Equity and Diversity (ACED) has been requested to attend at community discussions by the Quinterra Riverside Community Association regarding concerns from the Asian and South East Asian communities with respect to the proposed purchase of the Fines Flowers property by Tubmans Funeral Homes for future use as a funeral home, which use presents serious spiritual and cultural concerns to these communities, and whereas representatives of these groups have made submissions at the ACED meeting of August 9, 1999, it is moved that:

1. staff of the Urban Planning and Public Works Department, when dealing with the zoning application re. the proposed land transaction from Fines Flowers to Tubmans Funeral Homes for future use as a funeral home, take into consideration the range of spiritual, cultural, and racial issues raised when framing the forthcoming report on the matter; and
2. that the planning report suggest deferral of the issue so as to enable full community consultation, exploration of options that may lead to a solution, and consideration of the complex spiritual and ethno-cultural issues raised; and
3. that the Urban Planning and Public Works Department, recognizing the future growth and expansion of the funeral industry generally as well as the growing diversity of our community will lead inevitable to recurrence of such issues, establish a policy framework to include regular consideration of human rights and multicultural implications of planning matters, including the emergence in the dominant culture of concepts such as feng shui, in the context of more established planning considerations.”

#### Councillor’s Comments

“I support this application. I have attended a number of meetings with the nearby community and I am aware of opposition, which for the most part is based upon cultural objections. I have also heard discussion with respect to whether or not cultural objections can amount to a planning issue. On this I would add the following comment. If the **vast majority** of Ottawa residents had the kind of cultural objection that residents who oppose this application have, I believe it would be a planning issue and in all probability would be refused. However, the fact of the matter is, most people in Ottawa do not view funeral parlours in this way.

Furthermore, if this kind of widespread objection did exist, Tubman's would likely not make this application anyway, for business reasons. I do not agree in this case, that the cultural objections should amount to a refusal of the application, but I do agree that cultural objections are worthy of being considered as planning issues.

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December 13, 1999

ACS1999-PW-PLN-0136  
(File: OZP1999/019)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT9 - Capital

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

## 6. Zoning - East of McGillivray Street , North of Clegg Street and West of Main Street

**Zonage -À l'est de la rue McGillivray, au nord de la rue Clegg et à  
l'ouest de la rue Main**

### Recommendation

That the application to amend the residential regulations of the *Zoning By-law 1998* for the lands located east of McGillivray Street, north of Clegg Street and west of Main Street, to

- amend Sections 183-185 to delete ancillary uses associated with planned unit developments,
- amend Sections 121-122 to introduce a minimum separation distance of 7.5 metres between a property line and a communal amenity area, and
- to introduce a maximum total interior communal amenity area of 6.0 square metres per dwelling unit

be **REFUSED**.



December 14, 1999 (2:35p)

Edward Robinson  
Commissioner of Urban Planning  
and Public Works



December 15, 1999 (8:54a)

Approved by  
John S. Burke  
Chief Administrative Officer

GH:gh

Contact: Gordon Harrison 244-5300 ext. 3868

## Financial Comment

N/A.

  
December 14, 1999 (1:33p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

The zoning application proposed three amendments as described in Part 11.

#### 1. Ancillary Uses for Planned Unit Developments

A planned unit development (PUD) is a development where there are two or more residential use buildings on one lot. The by-law allows such developments to have, in addition to the residential component, certain commercial uses. They are: automated teller, community centre, community health and social services centre, convenience store, laundromat, medical facility, office and post office. These uses are called ancillary uses and are intended to complement and serve the PUD by meeting the needs or demands of the ready-made or captive clientele that lives in the PUD. They are not intended to serve the general public. These ancillary uses are supposed to be small in scale and not visible from outside of the PUD. The Zoning By-law places restrictions on their size and location, and these restrictions are very specific; i.e., they must be internal to the site and cannot be visible from a public street, no signage or other advertising of the use to the general public is permitted, and the cumulative total floor area of the uses cannot exceed 150 square metres (1,614 square feet).

It is the Department's position that ancillary uses in a PUD are key elements to a successful development. These are important service uses which are becoming more and more commonplace in PUDs, and which are intended to only serve the residents of a PUD. Such facilities within a PUD are intended to foster a sense of community within the PUD, to provide desirable and necessary services to the residents and to help take the pressure off existing service uses in a neighbourhood. The lack of such service uses in a community may determine their need within a PUD. In the Zoning By-law, the development standards or limitations placed on the ancillary uses in a PUD have been carefully restricted in terms of location and size to ensure maximum sensitivity with the established community in which the PUD is located. Ancillary uses can be appropriate in any size of PUDs. The size of the PUD will determine the presence, viability and extent of these uses, as they are usually not viable unless the market is of sufficient size. To restrict ancillary uses to a specific size of

development would be arbitrary and not meet the original intent of the by-law.

In conclusion, ancillary uses for PUDs are desirable, and are seen as complementary uses that are compatible with the surrounding community due to the limitations currently imposed on them in the Zoning By-law. Consequently, the removal of ancillary uses from PUDs would negate the fundamental principles and strategies of the new Zoning By-law relating to compatible uses in multi-residential areas, and cannot be supported.

## 2. Minimum Separation Distance for Communal Amenity Areas

A communal amenity area is the indoor or outdoor amenity area provided for the shared or communal use of residents of a multiple unit residential building. The reason for requiring communal amenity areas in the Zoning By-law is that many multiple unit residential buildings are non-ground oriented (i.e., multi-storey) and consequently, units have no direct individual access to recreational and leisure facilities. Although communal amenity area may be provided either indoors or outdoors, the provision of some communal amenity space at grade is beneficial to accommodate the residents' needs. Outdoor communal amenity areas can often be landscaped with plantings and seating thereby allowing passive use, or they can be a roof top or vegetable gardens, or they can be utilized for active recreation uses, such as play equipment. Indoor communal amenity areas include games rooms and meeting rooms. The Zoning By-law requires that only certain multiple unit residential buildings, such as high-rise apartment buildings, retirement homes, rooming and converted rooming houses, and converted houses, provide communal amenity area. Specific size regulations for communal amenity areas are found in the Zoning By-law. For other residential uses, such as an apartment building, stacked townhouses, and townhouses, the communal amenity space provisions do not apply and a communal amenity area, if provided, is permitted, but not required. A PUD is not required to provide a communal amenity area, unless one of the above listed uses that requires the provision of communal amenity area forms part of the PUD.

The applicant is requesting a separation distance between a property line and a communal amenity area. A separation distance can only be effective when applied to physically definable features (such as a building or structure). The establishment of separation distances for amenity areas is found nowhere else in the Zoning By-law. As described above, since a communal amenity area can often be a landscaped area with plantings and seating, it would be almost impossible to determine the "edge" of the amenity area in order to apply any specified separation distance. For the above reasons, the establishment of a separation distance would not be implementable in many cases, and would not be supported.

Furthermore, approval of a 7.5 metre separation distance would create unusable buffers between neighbours, resulting in an inefficient use of land within the community. Amenity space is a precious commodity and is an important component of infill housing projects and, consequently, the use of that space should not be placed unnecessarily at risk. The Department supports the integration of neighbourhoods and not the separation of neighbours.

Additionally, approval of this amendment would create an undesirable precedent for many smaller lots in Ottawa East in which new multiple unit residential buildings may be permitted, but where such a restriction could result in no amenity use of a yard for either shared and/or private purposes. Approval of the amendment could also require that fencing be mandatory to prohibit owners from sharing any common outdoor space.

### 3. Minimum Total Interior Communal Amenity Areas

A minimum 6 square metre per dwelling unit total amenity area requirement is presently required in the Zoning By-law for several multiple unit residential buildings. A high-rise apartment building is the only multiple unit residential building for which a portion of the total amenity area requirement must be in the form of indoor communal amenity area. However, the applicant is proposing that the entire amenity space regulations of the new Zoning By-law be provided indoors and that this amount be considered as a maximum. The Department's position is that this is unnecessarily onerous and restrictive and would be unfair and unreasonable. An outdoor amenity area is a valid form of amenity, particularly in family-oriented housing, and a balance of indoor and outdoor space is critical to a liveable and successful development. Consequently, this proposal cannot be supported.

Furthermore, since indoor communal amenity area in the new Zoning By-law is only required for high-rise apartment buildings, and since a high-rise apartment building, let alone an apartment building, are not permitted uses in the affected study area, there does not appear to be substantive planning rationale or a demonstration of need for requesting this part of the amendment within a low-profile, low-to-medium-intensity residential neighbourhood, unless the applicant was requesting, but failed to clearly specify, that such a restriction on indoor communal amenity area was to apply to certain housing types within this neighbourhood where indoor communal amenity area is presently not required. If this were the case, there is no planning merit to support the proposed changes for the same reasons as stated above.

### 4. Terra Firma Project

Although the Department cannot support the zoning amendment application as submitted, staff is aware that there are residents living in proximity to 162-172 Drummond Street (the Terra Firma co-housing project) who have concerns about this project. Staff met with these individuals, known as the Concerned Citizens Group, and, although staff may share some of their concerns, staff do not believe that the enactment of a zoning amendment is the appropriate mechanism to resolve the apparent issues. In discussions with the applicant (the Concerned Citizens Group), it is the Department's position that there are two principal issues: the future of Terra Firma in terms of the number of households, and the use of the outdoor space at 162-172 Drummond Street. The Department believes these issues are worthy of clarification. Staff requested that Terra Firma provide the City with a letter of commitment which stated their future plans and the use of their common backyard. This letter has been provided and clearly indicates that this co-housing project will involve not more than twelve households which will be located either contiguous to, or within a block of,

162-172 Drummond Street. There will be no non-resident members. In addition to the usual backyard activities, the use of the outdoor spaces at 162-172 Drummond Street will be limited to shared meals that are held during the summer months, and to other occasions when guests are invited by residents of 162-172 Drummond Street. Those additional future families of Terra Firma would be expected to use their own backyards unless they are attached directly to the existing yards. The letter also addresses Terra Firma's present and future voluntary measures to minimize the impact of the use of their backyard on abutting neighbours.

Staff believes that this letter holds credibility and that it provides staff and the Concerned Citizens Group with a sense of certainty about the future of this co-housing project within Ottawa East.

A discussion on the concept of co-housing can be found in the companion report, "Emerging Trends in Housing", which will be considered at the same meeting of Planning and Economic Development Committee as this submission.

### **Economic Impact Statement**

Due to the nature of the zoning amendment, there would be no anticipated economic impact.

### **Environmental Impact**

An Environmental Impact Checklist was completed and no potential impacts were identified.

### **Consultation**

Approximately 186 comments were submitted to the Branch in response to the Early Notification letters distributed to owners and tenants in the area. In addition a public meeting, which was attended by approximately 100 residents, was held in the community. There is much interest in the community regarding this application and the community seems divided on the proposed amendment. See Document 4 for additional details.

### **Disposition**

Department of Corporate Services, Statutory Services Branch to notify agent ( Anne Ernesaks, 158 Bolton Street K1N 5B3) and the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

## List of Supporting Documentation

- Document 1 Summary of Application
- Document 2 Location Map
- Document 3 Municipal Environmental Evaluation Process Checklist (on file with the City Clerk)
- Document 4 Consultation Details

## Part II - Supporting Documentation

Document 1

### SUMMARY OF APPLICATION

This amendment affects the lands east of McGillivray Street, north of Clegg Street, west of Main Street and south of Immaculata High School. The affected lands are shown as the hatched area on the attached Location Map

The amendment proposes three changes to *Zoning By-law 1998* for the lands located east of McGillivray Street, north of Clegg Street and west of Main Street. These changes are as follows:

1. That the residential regulations be amended to prohibit ancillary uses from Planned Unit Developments for the lands hatched in Document 2;
2. That the communal amenity area regulations of the new Zoning By-law as they pertain to multiple-unit developments be modified to introduce a minimum separation distance of 7.5 metres between a property line and a communal amenity area; and
3. That the communal amenity area regulations of the new Zoning By-law as they pertain to multiple-unit developments be modified to introduce a maximum interior communal amenity area of 6.0 square metres per dwelling unit.

### Current Zoning

The current residential regulations in the *Zoning By-law 1998*, permit ancillary uses for planned unit developments. These include a community centre, convenience store, laundromat, office, etc., and they are intended to only serve the residents of the planned unit development. These uses have limitations placed on them which require that they:

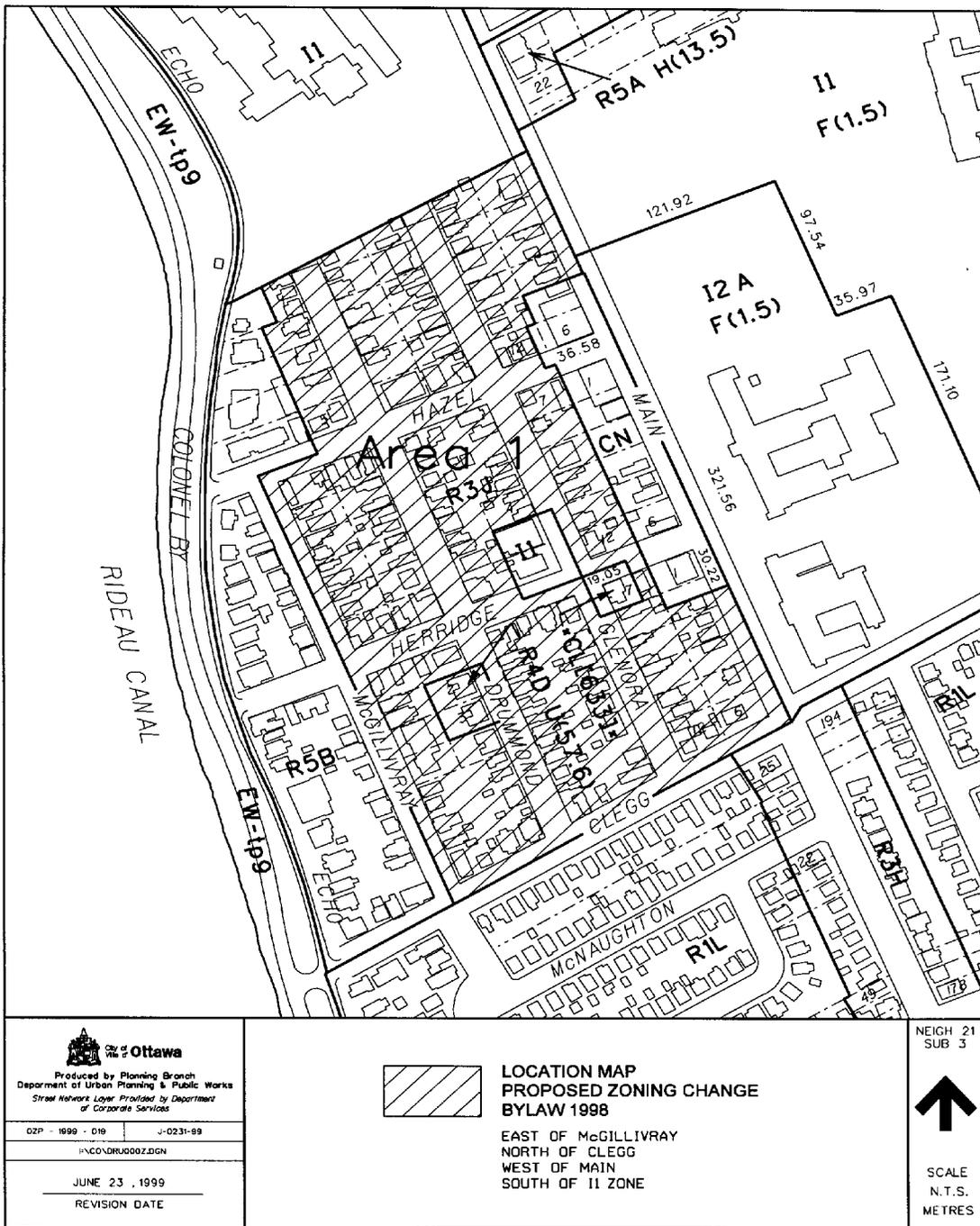
- a. all be in one building; the latter not exceeding 13.5 metres in height,
- b. not exceed a cumulative total floor area of 150 square metres,
- c. be located on a lot containing a planned unit development, and
- d. be located in the interior of the lot mentioned in paragraph c) in such a way that there is no indication, visible from a public street, that there is an ancillary use on the lot.

The current Zoning of the land affected by the zoning amendment is R3J and R4DU[57.6]. The majority of the study area is zoned R3J which is a converted house/townhouse zone. Minimum lot width and lot area provisions are determined by the “J” subzone symbol. The permitted uses include a converted house, duplex, townhouse, semi-detached house, and a planned unit development. The R4D zone is a multiple unit zone and affects only the

properties at 162-172 Drummond Street. Minimum lot width and lot area provisions are determined by the “D” subzone symbol. This is a site-specific zoning that permits all the uses of the R3J zone in addition to stacked townhouses. Apartment buildings are not permitted. The “U” symbol limits the number of units at 162-172 Drummond Street to seven.

Requested Zoning

The requested zoning would eliminate the regulations in the Zoning By-law as they pertain to ancillary uses for planned unit developments; introduce a minimum separation distance of 7.5 metres between a property line and a communal amenity area, and introduce a maximum total indoor communal area of 6.0 square metres per dwelling unit.



NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with the Early Notification Procedure P&D/PPP/N&C#1 approved by City Council for Zoning applications.

A sign was not posted on the property since the area subject to the application included several city blocks. Instead, a letter describing the amendment, which was later followed with a second letter of clarification of the amendment, was sent to property owners and tenants within the study area and within 120 metres of the study area boundaries. The neighbourhood newspaper and community groups were also notified by letter.

SUPPLEMENTAL CONSULTATION

A public meeting was held in the community on September 30, 1999, at Immaculata High School. The meeting was planned as an information session. Approximately 100 people attended the meeting. There were many points of interest expressed at that time. The applicant, which calls itself the Concerned Citizens Group, retained a consultant who provided a detailed explanation of the proposed amendment and who spoke on behalf of her clients. This was followed by a comment and question period. Approximately 20 people spoke regarding the merits of the amendment or the negative impact of the amendment on the Terra Firma co-housing development at 162-172 Drummond Street. There were opinions expressed both in support and in opposition to the application.

Centretown Citizens Ottawa Corporation (CCOC)

This community group was generally concerned that the proposed by-law amendments would make multi-unit housing in this location impossible to achieve and would set a precedent for preventing planned unit developments in R4 zones in other areas of the City. They indicated that it was their understanding that the application was submitted in reaction to an existing co-housing community at 162-172 Drummond Street. CCOC stated that it develops, manages and advocates on behalf of affordable rental housing but supports other housing tenures which result in increased residential densities in the urban area. CCOC believed that the proposed amendments are inconsistent with City of Ottawa Official Plan principles and policies which encourage an efficient use of land, primarily for housing, through sensitive infilling and conversion of existing dwellings, permit affordable housing and a choice of housing types and tenures in all neighbourhoods and establish regulations which will enable rather than preclude residential intensification.

PUBLIC INPUT

The Department received approximately 186 comments. Approximately 36 percent opposed the application while 64 percent were in favour.

Reasons in favour of the application:

- The argument and animosity between the neighbours must be removed from the issue. The current residents on Drummond can promise what uses they intend and plead they will be benign, but they may not live there in perpetuity. If the current residents at the Drummond location were to sell and move, and the purchasers were, say, Hell's Angels, the ancillary uses could be very different.....(examples given). Without these amendments the slippery slope exists and the community will suffer severely and irrevocably. Just because one group appears conscientious and nice does not mean the next group will be. I see developers taking advantage of the loophole with detrimental consequences.
- It is clear the genesis of this amendment was born out of a neighbourhood dispute regarding the lifestyle of one group and its infringement on the privacy and peace of the other group.
- It is clear that the City does not have an appreciation for the current and future impact of this project on adjoining property owners, nor the ability to deal with this precedent-setting initiative in an existing neighbourhood.
- My group deserves a much fairer and even-handed approach than we have seen so far. We are not against co-housing as a concept. We understand Terra Firma has rights. But my rights have been seriously encroached upon (for example, I no longer use my backyard, or invite people for barbeques or whatever). All we are looking for is a balanced approach that respects my rights as well as those of Terra Firma.
- Although I do not live in the zones affected by this application, I believe that the issues in this proposal have ramifications well beyond Ottawa East.
- It is very important that we protect the existing, quiet residential character of the Ottawa East neighbourhood.
- The PUD concept promotes insularity and exclusion by a group of residents with specific socio-economic, religious, political preferences or ethnic/racial characteristics.
- The PUD concept does not make sense in terms of economies of scale. We have small restaurants and convenience stores within a short block or two of our homes, a caisse populaire and ATM, a pharmacy and wide range of health services, churches of several denominations .....and an excellent community centre. The continued use and support of these facilities by all residents keeps the area vibrant and pleasant.
- I also feel that the zoning change would result in a positive precedent for other areas of Ottawa.
- Commercial ventures stemming from ancillary uses or other, should be kept to a minimum.
- I do not want a post office.
- Much reflection should be given then to the need to integrate and maintain non-residential uses in this particular neighbourhood as opposed to introducing ancillary uses in PUDs that can potentially and directly deter the surrounding residents from the pursuit of a quiet lifestyle. The proposal to introduce a minimum separation distance and a maximum total interior communal amenity area per dwelling unit reinforces in our mind the justifiable claim to the aforementioned lifestyle.

- In-filling housing of common homes for community centre type activity threatens the existing tax supported community centre. Plans to expand co-housing ownership to 15 or more units within a short area of one or two blocks and extension of membership in a co-operative society to those outside the co-housing units will open up the use of neighbourhood space and facilities to anyone throughout the city. These plans will have harmful impacts on the neighbourhood.

Reasons in opposition to the application:

- The amendment is an extremely negative piece of neighbourhood harassment against a group of citizens who have restored two properties which were previously slums and who have fostered a sense of community in this area, for example, through living the co-housing concept and by organizing a Canada Day street party.
- It is a proposal with no legitimate basis, aimed at interfering with people's private enjoyment of their own property.
- Although I do not live within the boundaries of the proposed amendment, I disagree with the use of the zoning amendment process to limit others within the residential neighbourhood.
- If this amendment is passed, I believe that it will set a dangerous precedent where any small group of people can block another small group of people using the zoning amendment process.
- It was obvious at the meeting held on September 30 that there are more residents of Ottawa East who oppose this amendment than who support it.
- I do not support the proposed by-law. I find it restrictive and counterproductive to a sense of community. It will have more implications beyond its effects on the co-housing community. I find the submissions of the Concerned Citizens deceptive and divisive.
- It was mentioned in passing that co-housing was based on a "European model", which seemed to indicate it was worthy of some suspicion. I've just returned from living 30 years in Europe and have since lived in Ottawa East for the past 1 1/2 years. I feel a much greater degree of isolation here, which saddens me. I would not support any measures which would serve to increase a sense of isolation between neighbours.
- The purpose of this e-mail is to inform you that I no longer support the subject zoning amendment. After reading Mr. Moser's letter of 24 September and hearing the various opinions at the 30 September public meeting I believe my original concerns were unfounded. I would like my name removed from any file or city record which list those who support the amendment.
- As far as noise is concerned, I have come to the conclusion that the Harley Davidson, the yapping dogs, and the student's party house - all of whom exist on our same block - are far louder than any meal we have ever eaten outside.
- The "not in my backyard" syndrome must not be encouraged by repeated amendments put forward by small groups with narrow interests and a lack of community vision.

- I am of the opinion that the only way to address this issue is locally through skilled mediation so that a harmonized proposal can be placed before the Planning Committee, fairly judged on its merits considering long-term and immediate implications, before being placed before Council. This mediation could help to sort out the real issues at play, explore common ground, and expose areas where there is little flexibility. If it can be established that the well being of each side is the active concern of all involved, then I am sure there would be reasons for optimism that an accommodating approach to this problem can be found.
- Am I to understand that any apartment building, group of townhouses, or condominium development - - any structure, in fact, that does not include private ownership at the household level of outdoor space - - must, as a result, install a profusion of fenced compounds that are marked up like parking spaces? This is your family's frolic area and this is mine, and I will get a ticket if you find my child in your space?
- It does not seem reasonable to prohibit such uses within this narrowly defined area when there are similar facilities within sight and sound. Rather it seems discriminatory against a particular project.
- How can home-based businesses exist, but not community-based "communal areas"?
- Finally we would like to say that as residents of the neighbourhood for 15 years, we believe that there is room for many different kinds of housing and for many different land uses.

## **COUNCILLOR'S COMMENTS**

Councillor Inez Berg provided the following comments:

"I have carefully considered this application and have had many discussions with the residents of the neighbourhood and City staff. After considering the issues involved, I am at this time of the opinion that approval of this zoning amendment would not serve to meet the needs of its proponents, the affected neighbourhood or the City at large. I am distressed and saddened that a real neighbourhood is suffering from such divisiveness."

## **APPLICATION PROCESS TIMELINE STATUS**

The application which was submitted on June 8, 1999, was subject to a project management timeline, as recommended by the "A Better Way Task Force", and a process chart which established critical milestones was prepared. A Mandatory Information Exchange was undertaken by staff with interested community associations since the proponent did not undertake Pre-consultation.

This application took one month longer than the six month timeframe established for the processing of Zoning Amendments, as contained within the Planning Branch's Operations Manual, due to the request by staff for additional information from the residents at 162-172 Drummond Street.



January 4, 2000

ACS1999-PW-PLN-0186  
(File: LTB3105/0110)

Department of Urban Planning and Public  
Works

Ward/Quartier  
City Wide

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

## 7. Parking in Front and Corner Side Yards in Residential Zones

### Stationnement dans les cours avant et les marges latérales dans les secteurs résidentiels

#### Recommendation

That Part III- Parking and Loading: Motor Vehicle Parking provisions of the *Zoning By-law, 1998* be amended to require, in all residential zones, a maximum total combined width of 5.2 metres for all driveways passing through a minimum required front or corner side yard which lead to parking spaces located in the front or corner side yards.



January 5, 2000 (7:15a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works



January 5, 2000 (9:18a)

Approved by  
John S. Burke  
Chief Administrative Officer

Contact: Dave Leclair - 244-5300 ext. 1-3871

#### Financial Comment

N/A.



January 4, 2000 (3:11p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

At its meeting of December 7, 1999, Planning and Economic Development Committee approved the following enquiry:

That staff be directed to prepare a report for the January 11, 2000 meeting of Committee to amend front yard and side yard parking regulations (in residential zones) to prevent parking in any portions of these yards and, where an exception is permitted, that the number of spaces be limited to one in the entire area of these yards.

Staff have reviewed and cannot support the above motion. On June 16, 1999, City Council approved a report prepared by the consulting firm of Markson Borooah Hodgson Architects and the Planning Partnership dated April 26, 1999, in the context of a staff report on "Ontario Municipal Board Appeals against Residential Regulations of the Zoning By-law, 1998". One of the recommendations of the consultant report, supported by staff, was that parking be allowed in a front or corner side yard beyond the required front or corner side yard setbacks. The following discussion is extracted from the consultant's report:

**we recommend** that the current restriction on front yard parking or corner side yard parking, as the case may be, should be limited to the minimum required front yard (and corner side yard) setback as required in the zoning by-law, rather than to the actual front and corner side yard setback which may be greater than the required minimum yard. In addition, we recommend that parking be allowed in any interior yard abutting a street beyond the required front, corner side or rear yard.

It was the consultant's opinion that a provision permitting parking spaces to be located in the front and corner side yard would be acceptable provided the spaces are situated outside of the minimum required front and corner side yards. In this manner, parking spaces would still be prohibited from locating on the most highly visible portions of a lot, but would be permitted within what is normally the building envelope. An individual whose house occupies a lot with a front yard setback in excess of that required in the zoning by-law can develop a garage in this area to meet their parking needs. Consequently, it is difficult to justify prohibiting a parking space in this same area where a garage could legally be constructed. The garage could, in fact, have a potentially greater impact than a front yard parking space as it involves the construction of a permanent structure which may or may not respect the character of the existing building, particularly in an older, established area.

It should also be noted that, as the majority of lots in the city are not of sufficient depth to permit the principal building to be setback further than the minimum requirement for both practical and economic reasons, the impact of this provision will be minimal.

However, when this amendment emanating from the consultant's report was approved, a provision which was applicable to the previous front yard parking provisions was unintentionally omitted in the revisions to the by-law (see Document 1- Front Yard Parking Illustration). It was intended that, although parking outside of the minimum required front and corner side yard setbacks would be permitted, there would continue to be a maximum combined total width of 5.2 metres for all driveways leading to spaces located in the front or corner side yard, so that these yards would not be entirely covered by driveways and parking spaces (5.2 metres is the combined width of two parking spaces). Staff recommend that this maximum 5.2 metre combined width for all driveways should be reintroduced.

## Consultation

As this submission is in response to a motion of Planning and Economic Development Committee, no public consultation was undertaken.

## Disposition

Department of Corporate Services, Statutory Services Branch to notify the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

Office of the City Solicitor to forward implementing by-laws to City Council

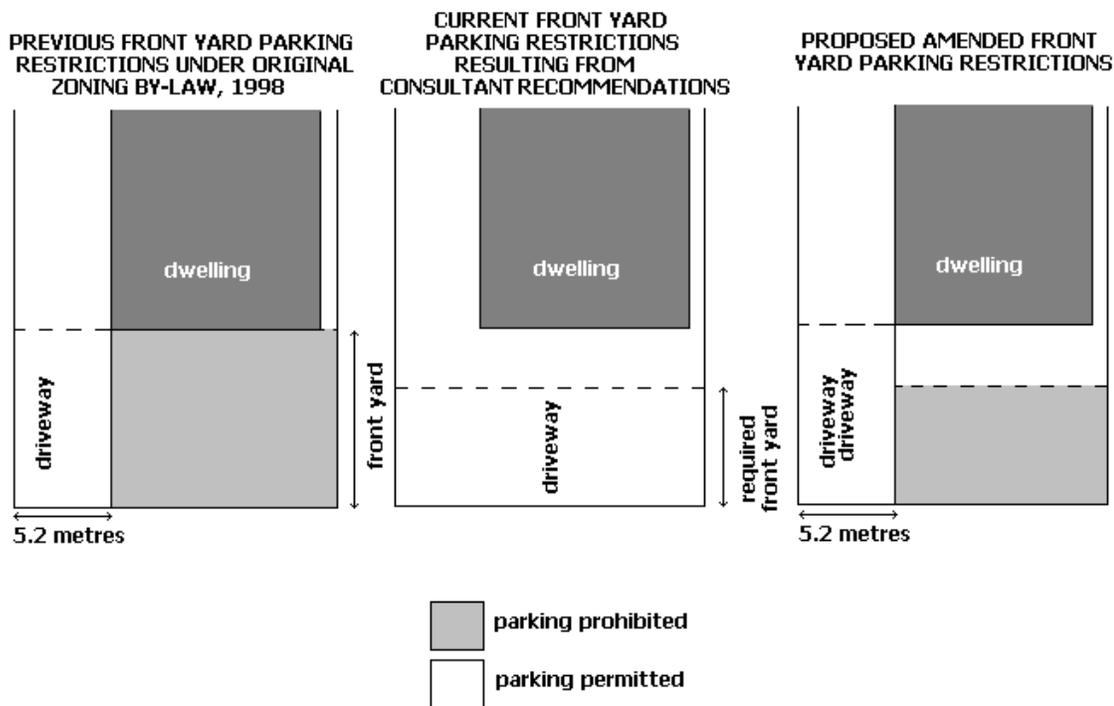
Department of Urban Planning and Public Works to prepare and circulate the implementing by-laws

## List of Supporting Documentation

Document 1      Front Yard Parking Illustration

Part II - Supporting Documentation

**FRONT YARD PARKING ILLUSTRATION**



November 17, 1999

ACS1999-PW-PLN-0161  
(File: OCM3100/1999-005  
OZP1999/022)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT8 - Mooney's Bay

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
  - City Council / Conseil municipal
- Action/Exécution

**8. Official Plan Amendment / Zoning - 1530 Fisher Avenue**  
**Modification du Plan directeur / Zonage - 1530, avenue Fisher**

**Recommendations**

1. That the application to amend the Carleton Heights Secondary Policy Plan of the City of Ottawa Official Plan, as it applies to 1530 Fisher Avenue, from Residential Area - Medium Density to Shopping Area - Minor to permit a commercial plaza be APPROVED, in accordance with the details in Document 2.
2. That the application to amend the *Zoning By-law, 1998*, as it applies to 1530 Fisher Avenue, from a R3A-p Converted House/Townhouse Zone to a CG General Commercial Zone be REFUSED.
3. That an amendment to the *Zoning By-law, 1998* as it applies to 1530 Fisher Avenue, from a R3A-p Converted House/Townhouse Zone to a CL1 Local Commercial Sub Zone be APPROVED in accordance with the details in Document 4.



November 19, 1999 (1:41p)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works



November 22, 1999 (1:06p)

Approved by  
John S. Burke  
Chief Administrative Officer

REK:rek

Contact: Robert Konowal - 244-5300 ext. 1-3869

***Planning and Economic Development Committee Action - December 7, 1999***

- ▶ *The Committee deferred Submission dated November 17, 1999 to its meeting of January 11, 2000.*

***Record of Proceedings is attached.***

**Financial Comment**

N/A



November 19, 1999 (12:33p)

for Mona Monkman  
City Treasurer

CP:ari

**Executive Report**

**Reasons Behind Recommendations**

**Background**

The subject property forms part of a larger residential property located in the City of Nepean. The lands located in Nepean are developed with a seven-storey apartment building. A one-storey building approximately 675 sq. metres in area is attached to the east side of the apartment building and is occupied by a number of commercial uses (video rental, food retail, dry cleaners, restaurant, full service). The portion of the property located in the City of Ottawa is used as parking for the commercial uses. The R3A-p Converted House/Townhouse Zone permits the current use (i.e. transitional parking) of the subject lands.

The applicant proposes to demolish the existing commercial building in Nepean and construct two commercial buildings with a total gross floor area of approximately 900 sq. m. that will straddle the municipal boundary. The proposed use of the buildings includes retail, convenience store and personal service business as well as restaurant, full service, restaurant, take-out and restaurant, fast-food. Drive-through service is being considered for both retail and restaurant uses.

As indicated, the proposed development straddles the municipal boundary of the City of Nepean and Ottawa. The Zoning By-law of the City of Ottawa is not able to recognize lands in the City of Nepean as a means of the satisfying the requirements of the Zoning By-law.

The proponent has been advised that an application for approval of certain variances to the Zoning By-law (e.g. required parking and loading located off-site in Nepean, access from parking to public roadway in Nepean) will be required to be approved by the Committee of Adjustment. This avenue of approval will ensure that adequate parking is provided in the future in the event of a change in tenancy.

An application has also been made to the City of Nepean to amend their Zoning By-law to include a restaurant, fast-food as a permitted use. The Nepean Planning and Development Department Report has recommended approval of the application. At its meeting of September 28, 1999, the City of Nepean Planning and Development Committee deferred consideration of this matter pending a decision by City of Ottawa City Council on this application.

### Recommendation 1

The application to amend the Official Plan to permit a commercial plaza is recommended for APPROVAL based on the following:

The Carleton Heights Secondary Policy Plan designates the subject lands “Residential Area - Medium Density”. This land use designation does not make any provision for the non-residential use of lands. Consequently an Official Plan amendment is required to permit the commercial use of these lands.

#### Secondary Plan Commercial Land Use Strategy

The Carleton Heights Secondary Policy Plan envisages a single major commercial centre with being served by commercial sub-centres located away from the main centre. Accordingly, the Plan has established two land use designations for commercial use: “Shopping Area - Major” and “Shopping Area - Minor”. The Shopping Area - Major designation is intended to include community level shopping facilities and has been applied to the intersection of Meadowlands Drive and Prince of Wales Drive.

The Shopping Area - Minor designation is intended to accommodate “neighbourhood level shopping facilities of a corner store, local convenience nature”. There are currently three such sub-centres designated on the Secondary Land Use Plan which are located next to the intersections of Fisher Avenue and Baseline Road, Fisher Avenue and Prince of Wales Drive, and Baseline Road/Heron Road and Prince of Wales Drive.

The Plan requires that sub-centres (i.e. Shopping Area - Minor) be at least 800 metres from the main commercial centre of the neighbourhood, located adjacent to a major roadway, serve the neighbourhood population or highway traffic (along Prince of Wales Drive) and be at a lesser scale than the main commercial centre. The proposed re-designation of 1530 Fisher Drive to Shopping Area- Minor meets the locational criteria for commercial sub-centre development of the Policy Plan as it is located on a major roadway and is more than 800 metres from the main commercial centre.

### Recommendation 2

The recommendation of REFUSAL to amend the Zoning By-law to a CG, General Commercial zone is based on the following:

#### 1. Commercial Land Use Strategy of Secondary Policy Plan

The requested “Shopping Area - Minor” designation of the Secondary Policy Plan is generally intended for “neighbourhood level shopping facilities of a corner store, local convenience nature”. The requested CG, General Commercial zoning would permit, among other uses, restaurant, fast-food, which is a use considered to be better suited to lands designated Shopping Area - Major designation.

Fast-food restaurants have wide appeal and can generate large volumes of traffic and parking that is not considered to be in keeping with the small-scale, local-oriented nature of this land use designation. In particular, this restaurant is to incorporate a drive-through lane which is designed primarily to appeal to vehicle traffic passing through rather than from within the neighbourhood.

#### 2. Existing Land Use Character of Area / Land Use Compatibility

The subject property is located within an established community, at an intersection where the land use is predominately low density residential. The existing commercial use of the property is set back from the corner and does not, at this time, have significant presence at the intersection. The existing uses located on the property include local-oriented, convenience-type commercial uses such as a convenience store and dry cleaner that serve the immediate residential neighbourhood. The proposed development intends to bring the commercial use of these lands closer to the intersection and to the adjacent low density residential development.

The requested CG, General Commercial zoning that would permit a restaurant, fast-food at this location is not considered to be appropriate or compatible with adjacent low density residential uses due to the high levels of traffic, noise, odours, signage, and garbage associated with this particular use. The incorporation of a drive-through with the fast-food restaurant and its location close to a secondary school just north of the subject property will compound the nuisance effect of the fast-food restaurant on adjacent residential properties.

The City of Nepean Planning Department has recommended approval of an amendment to their zoning by-law to permit restaurant, fast-food on the west half of the property. Their recommendation is based on a number of considerations but does not include the issue of compatibility with existing uses. It is important to note that unlike Ottawa, land use compatibility is not expected to be a significant issue for the City of Nepean as those lands in Nepean that abut the subject property are developed with medium to high density housing (four- and seven-storey apartments), whereas those lands in Ottawa are low density residential (detached, semi-detached and townhouses).

### Recommendation 3

The recommendation to APPROVE a CL1 Commercial Subzone in accordance with the details in Document 4 is based on the following points of consideration:

#### 1. Secondary Policy Plan / Existing Land Use Character / Compatibility

The proposed CL1, Local Commercial Subzone is considered to be the most appropriate zoning given that the Secondary Plan land use designation is intended for “neighbourhood level shopping facilities of a corner store, local convenience nature”. The neighbourhood level uses permitted by such a zone are considered to be suitable for this particular location given its predominately residential setting. The CL1 Sub Zone does provide for a restaurant use but limits such use to take-out and full-service types which are considered to be more compatible in this land use context than a fast-food type restaurant would be relative to the impact of traffic and garbage.

#### 2. Specific Exceptions to the CL1 Sub Zone

The zoning details in Document 4 propose to add automated teller and day care to the list of permitted uses. These particular uses are already listed permitted uses in the standard CL Local Commercial Zone and are considered to be appropriate at this location.

The proposed increase in the maximum permitted single occupancy of a permitted use from 204.5 square metres to 300 square metres accommodates the proposed development of the subject property. This regulation is considered to better maintain the planning objective of ensuring that uses are of a local-orientation while at the same time providing for a more flexible size in tenancy.

### Economic Impact Statement

The requested zoning change has a positive fiscal impact on City operations. It is estimated that tax revenues under the commercial zoning would be \$4,000 per year compared to \$2,700 under the residential zoning, while costs to the City would be at least four times lower.

## Consultation

Two letters, one of which was signed by 10 persons, were received objecting to the use of the lands for a restaurant, fast-food. One person telephoned requesting additional information. Councillor Jim Bickford is aware of the application.

## Disposition

Department of Corporate Services, Statutory Services Branch to notify the Agent and Applicant (Minto Developments Incorporated, 300-427 Laurier Avenue West, Ottawa, Ontario, K1R 7Y2, Attention: Mary Jarvis) and the Region of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

Office of the City Solicitor to:

- i) prepare and forward the necessary by-law to adopt this Official Plan Amendment to City Council; and
- ii) forward implementing zoning by-laws to City Council.

Department of Urban Planning and Public Works to:

- i) prepare and give notice in accordance with the Planning Act within 15 days of the adoption of this Official Plan Amendment to the Clerk of the Region of Ottawa-Carleton and any public body or person who requested notification; and
- ii) prepare submission to the Region of Ottawa-Carleton requesting approval of the Official Plan Amendment following its adoption by City Council; and
- iii) prepare implementing zoning by-law.

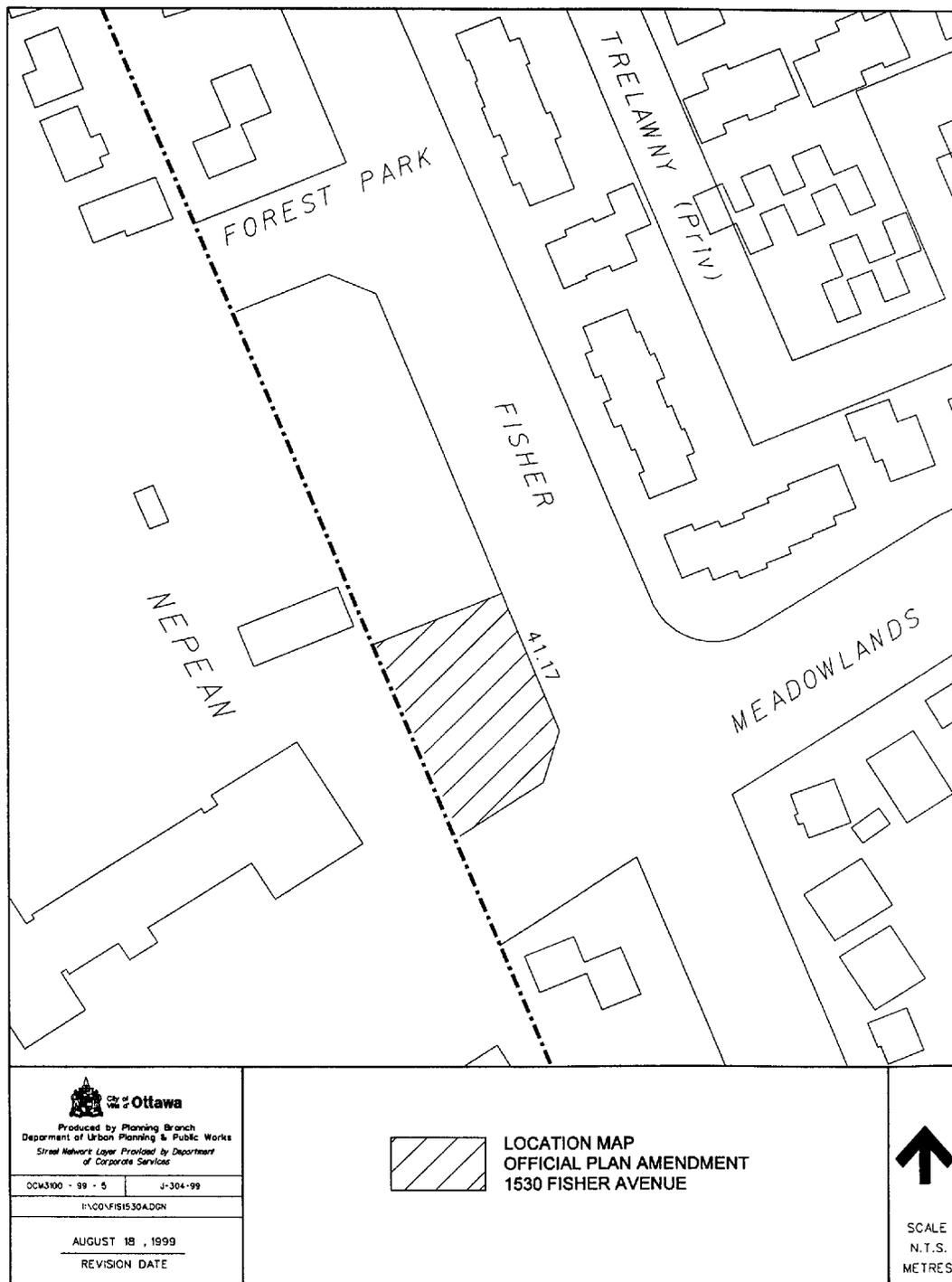
## List of Supporting Documentation

Document 1	Location Map - Official Plan Amendment
Document 2	Proposed Amendment to the City of Ottawa Official Plan
Document 3	Location Map - Proposed Zoning Change
Document 4	Details of Zoning By-law Amendment
Document 5	Explanatory Note to Zoning By-law Amendment
Document 6	Municipal Environmental Evaluation Report (on file with City Clerk)
Document 7	Consultation Details

## Part II - Supporting Documentation

Location Map

Document 1



Official Plan Amendment ■ Modification du Plan directeur

# Land use Utilisation du sol



**INDEX**

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**THE STATEMENT OF COMPONENTS**

**PART A - THE PREAMBLE** - introduces the actual Amendment but does not constitute part of the Amendment to the City of Ottawa Official Plan.

**PART B - THE AMENDMENT** - the Text and Map contained in this part constitutes the Amendment to the City of Ottawa Official Plan.

## **PART A - THE PREAMBLE**

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### **1.0 Purpose**

The purpose of Amendment No. \_ is to change the current land use designation of the subject lands from a residential designation to a commercial designation to permit the commercial use of the lands.

### **2.0 Location**

The lands affected by the Amendment are located on the northwest corner of the intersection of Meadowlands Drive and Fisher Avenue and are known municipally as 1530 Fisher Avenue.

### **3.0 Basis**

The basis of the Amendment is as follows;

1. The proposed re-designation of 1530 Fisher Drive to Shopping Area- Minor meets the locational criteria for commercial sub-centre development of the Secondary Policy Plan as it is located on a major roadway and is more than 800 metres from the designated main commercial centre.

## **PART B - THE AMENDMENT**

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### **1.0 The Introductory Statement**

All of this part of the document entitled "Part B - The Amendment", consisting of the following text and attached map entitled Schedule "B" constitute Amendment No. \_ to the City of Ottawa Official Plan.

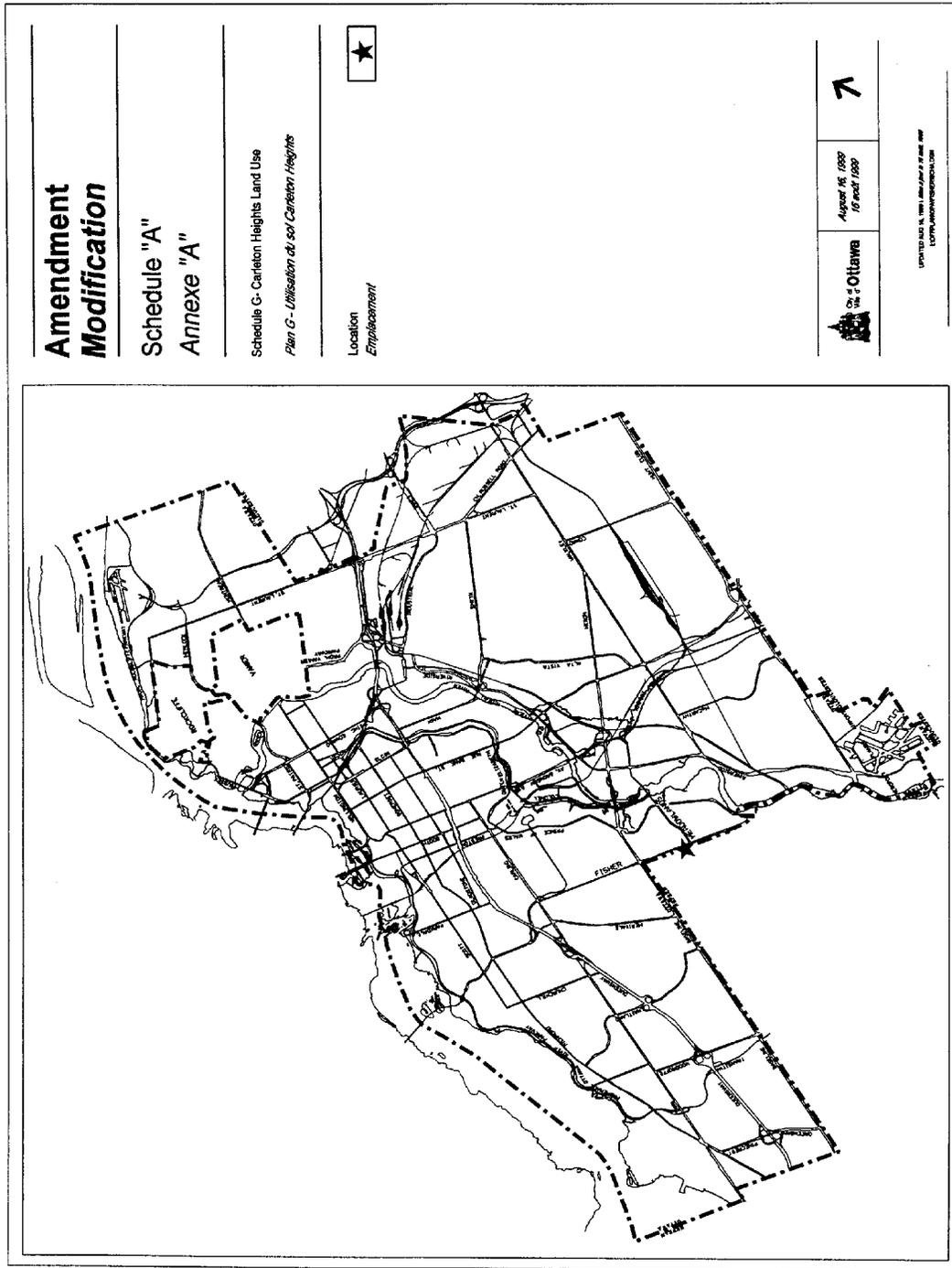
### **2.0 Details of the Amendment**

The City of Ottawa Official Plan, is hereby amended as follows:

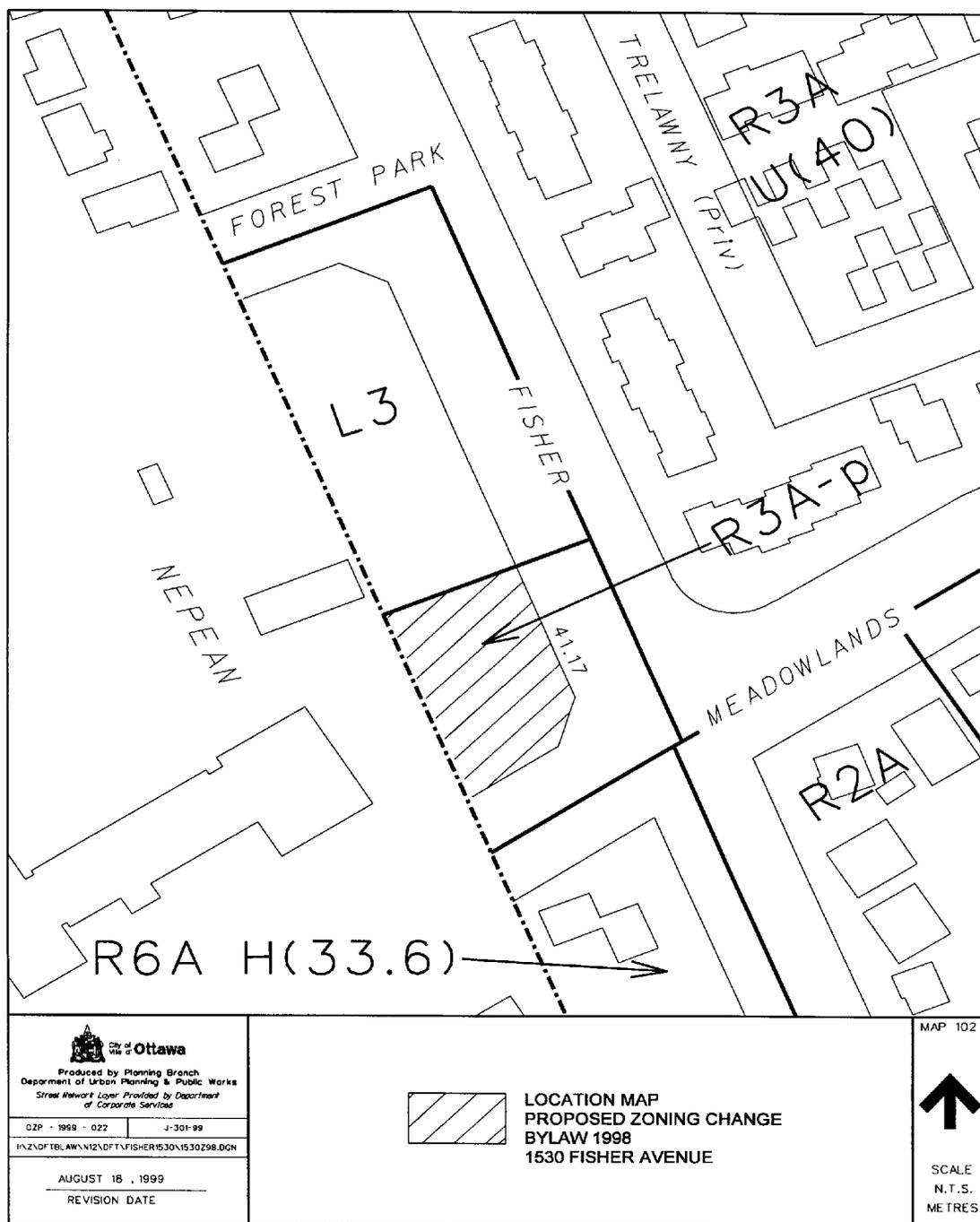
In Volume II, Secondary Policy Plans/Site Specific Policies, Chapter 2.0 - Carleton Heights, Schedule G - Carleton Heights Land Use is amended to redesignate from "Residential Area - Medium Density" to "Shopping Area - Minor", lands located on the north-west corner of Meadowlands Drive and Fisher Avenue, as shown on Schedule B - Carleton Heights Land Use, attached hereto.

### **3.0 Implementation and Interpretation**

Implementation and interpretation of this Amendment shall be made having regard as well to the applicable policies set out in Volume 1 - Primary Plan of the City of Ottawa Official Plan.







1. Permit an automated teller and day care as additional uses.
2. Each single occupancy must not exceed 300 square metres in gross leasable area.

THE FOLLOWING IS AN EXPLANATORY NOTE TO THE *ZONING BY-LAW, 1998*

By-law Number \_\_\_\_-99 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. The amendment affects those lands known municipally as 1530 Fisher Avenue and is shown on the attached Location Map. The intent of the zoning amendment is to permit a commercial plaza.

## CURRENT ZONING

The current zoning of the property is R3A-p, a Converted House/Townhouse Zone which permits the current use of the subject for commercial parking. The R3A-p zone does not permit use of the property for any other commercial use.

## PROPOSED ZONING

The proposed CL1, Local Commercial Sub Zone would permit a limited range of commercial uses. These commercial uses include an automated teller, convenience store, day care, laundromat, retail food store, retail store, restaurant, full service, restaurant, take-out and personal service business. Individual uses would be limited to a maximum gross floor area of 300 square metres to encourage a local market orientation.

This constitutes the proposed amendment to the *Zoning By-law, 1998*. For further information on this amendment, contact Robert Konowal at 244-5300, ext. 1-3869.

NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with Early Notification Procedure P&D/PPP/N&C #1 approved by City Council for Official Plan and Zoning Amendments.

SUMMARY OF PUBLIC INPUT

Two letters, one signed by 10 persons, were received objecting to the inclusion of a restaurant, fast-food with drive-through. The respondents had concerns about the increased traffic expected from a restaurant, fast-food at an already high traffic location. Both letters indicated there was no demonstrated need for a restaurant, fast-food service at this location as there are already a number of fast-food outlets in the neighbourhood. A concern was also expressed about unwanted fast-food cooking odours wafting over adjacent residential lands to the west.

## Response:

The Department shares a number of the residents concerns and has recommended refusal of the requested CG, General Commercial zoning that would permit a restaurant, fast-food with drive-through.

APPLICATION PROCESS TIMELINE STATUS

The application which was submitted on July 26 ,1999, was subject to a project management timeline, as recommended by the "A Better Way Task Force", and a process chart which established critical milestones was prepared. A Mandatory Information Exchange was not undertaken by staff since the proponent undertook Pre-consultation.

This application was processed within the maximum 165 calendar day timeframe established for the processing of Official Plan and Zoning By-law amendment applications.

**INPUT FROM OTHER DEPARTMENTS OR OTHER GOVERNMENT AGENCIES**COUNCILLOR'S COMMENTS

Councillor Jim Bickford is aware of the application.

## Record of Proceedings

### Planning and Economic Development Committee - December 7, 1999

**Ref #: ACS1999-PW-PLN-0161**

Official Plan Amendment / Zoning - 1530 Fisher Avenue

#### **Parties Who Appeared**

The following delegations were present at the meeting:

- Mary Jarvis, Minto Developments Inc., 427 Laurier Ave. West, Suite 300, Tel.: 782-3147.
- Ernest Cherrin, Resident of Carleton Square, 1521 Fisher Avenue, Ottawa. K2C 3M8.  
Tel.: 225-3189.

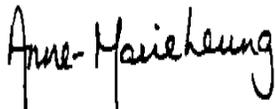
#### **Written Submissions by Parties**

The Committee received the following:

- ▶ Letter dated December 6, 1000 from Mary Jarvis, Planner, Minto Developments Inc., requesting deferral.
- ▶ E-Mail received Friday, November 26, 1999, from Joe & Michelle O'Brien, 1098 Meadowlands Drive, Ottawa, K2C 3J2.
- ▶ E-Mail received Monday, December 06, 1999, from Monica McGahey, 5444 Orkney Private.
- ▶ E-Mail received Monday, December 6, 1999 from Bruce Ricketts, 326 Kintyre Private, Ottawa, K2C 3M6. Tel.: 224-8763.

#### **Finding of Fact and Recommendation by Committee**

The Committee considered the oral and written submission(s) presented and, on the basis of the report by the Department of Urban Planning and Public Works, the Committee **deferred** the Submission dated November 17, 1999 to its meeting of January 11, 2000.



December 8, 1999 (10:20p)

Executive Assistant  
Planning and Economic Development Committee  
AML:aml

**MINTO DEVELOPMENTS INC.**

December 6, 1999

Anne Marie Leung  
Planning Committee Coordinator  
City of Ottawa, 111 Sussex Drive  
Rideau Pavilion, Terrace Level  
Ottawa, Ontario K1V 5A1

Dear Ms. Leung;

**RE: Parkwood Hills Plaza – File: OCM3100/199-055 OZP1999/022**

Further to our discussion of December 2nd, 1999, we would like to defer consideration of the above noted Official Plan and Zoning By-Law amendment applications for 1530 Fisher Avenue until the January 25th, 2000 Planning Committee Meeting. The deferral is required to determine what impact, if any, the fast food use will have on traffic in the neighbourhood and our redevelopment proposal.

A public meeting held in September in the City of Nepean in response to our application to add 'fast food restaurant' to the list of permitted uses on the Nepean portion of our site raised the issue of traffic. At this meeting, concerns with respect to the perceived impact of the fast food restaurant use on the neighbourhood were raised. In response to these comments, we engaged a traffic consultant to examine the impact of the fast food restaurant use on access, egress and on-site circulation. Unfortunately, the consultant's report will not be finalized before the meeting tomorrow. A delay in the consideration of this application will provide an opportunity to consider the results the consultant's findings and determine if amendments are required to our proposal.

Yours truly,

Minto Developments Inc.

Mary Jarvis MCIP RPP  
Planner

**Joe & Michelle O'Brien**  
**1098 Meadowlands Drive, Ottawa, Ontario. Canada. K2C 3J3**

Chair and Members, Planning and Economic Development Committee,  
City of Ottawa, 111 Sussex Drive, Ottawa, ON K1N 5A1

**Re: Official Plan Amendment/Zoning - 1530 Fisher Avenue**

We understand from City Planning staff that the report containing recommendations regarding this proposed development will be tabled at the Planning Committee meeting of **Tuesday, December 7th, 1999.**

On behalf of nine of our immediate neighbours in Carleton Heights, Mooney's Bay Ward, whose signatures are already on file with Councillor Jim Bickford and Planning staff, we wish to have our comments recorded with regard to this proposal.

Like many of our neighbours, we have resided at this location in Carleton Heights for over twenty years and have cohabited the area adjacent to the proposed development, understanding that the existing commercial services are highly valued and well used by the residents of the high density rental units located in the immediate vicinity, in the City of Nepean. Its current relatively passive use as a parking lot and the discreet position of the convenience store and hairdressers below the seven storey apartment building has been acceptable to those of us living across the street in the low density neighbourhood of Carleton Heights. The most negative impact the current use has on our property and lifestyle is the amount of loose wrappers, soft drink containers and empty cigarette packs we have to collect from our front lawns & driveways , thrown from vehicles after leaving the convenience store.

Our understanding of the recommendations before you is that a zoning change will permit the relocation of the existing stores/ services to another part of the site. We are prepared to support the relocation and ongoing existence of existing stores/services as per the site plan we reviewed in September 1999.

However, we are not prepared to support the introduction of a drive-through, fast-food outlet on this site for the following reasons.

We do not believe that the introduction of a drive-through, fast food outlet is either appropriate or necessary on this site, given its immediate proximity to our residential neighbourhood.

It is unnecessary as our neighbourhood has no demonstrated need for such a development. We regularly shop in our own community and can access any number and type of fast food services located in plazas at the corner of Prince of Wales Drive and Meadowlands Drive East or at the corner of Fisher Avenue and Prince of Wales Drive. Additionally, we believe that the current mix of stores and services available at 1530 Fisher Avenue, a City of Ottawa site, will continue to meet the needs of the City of Nepean residents who access them.

We believe it is inappropriate to introduce a drive-through, fast food operation at this location as the prevailing winds will mean we will never be free of the smells attached to any fast food outlet, such as a "Tim Horton's" who cook doughnuts twenty four hours a day with fat. The additional garbage generated by such an operation will, no doubt, end up in our driveways. These two issues alone will impact our property and lifestyle in a significantly negative manner.

Further, we are most concerned that any zoning changes made to allow such a development on this site, will open the door to future development equally or even more inappropriate and therefore, unacceptable to those of us residing in Carleton Heights.

Finally, we understand that the issue of increased vehicular traffic, attracted to the intersection of Meadowlands & Fisher by a drive-through, fast food outlet is a matter for the Regional Municipality of Ottawa Carleton to review. We have already communicated our concern regarding the danger level of this busy intersection to our Regional Councillor, Wendy Stewart, noting that it is already recognized as one the "high accident" intersections in the region.. Councillor Stewart has responded in writing to our concerns, noting that she will pursue the traffic issue with Regional staff.

In closing, we wish to confirm that while we are not opposed to the development in its entirety, we are totally opposed to the introduction of any fast food enterprise at this location and any zoning change that would allow for a similar development in the future and request that our opposition be formally noted and taken into consideration in your decision regarding the Official Plan Amendment/Zoning of 1530 Fisher Avenue.

Thank you for your consideration of our concerns,

Joe & Michelle O'Brien.

cc Councillor Jim Bickford, OT8 Mooney's Bay Ward  
cc. Councillor Wendy Stewart, River Ward, RMOC  
cc. Paul Grier, President, Carleton Heights and Area Residents Association  
cc. Mr & Mrs. R. MacNichol, 1529 Fisher Avenue, Ottawa, K2C 1X5  
cc. Mrs. J. Paterson, 1531 Fisher Avenue, Ottawa K2C 1X5  
cc. Mrs. & Mrs. G. Pace, 1533 Fisher Avenue, Ottawa K2C 1X5  
cc. Mr. R. Bosquet, 1090 Meadowlands Dr. E., Ottawa K2C 3J3  
cc. Mr. John Scafidi, 1094 Meadowlands Dr. E., Ottawa K2C 3J3  
cc. Mr. & Mrs. P. Pevac, 1100 Meadowlands Dr. E., Ottawa, K2C 3J3

**124**

From: Monica McGahey [mmcgahey@magma.ca]  
Sent: Monday, December 06, 1999 8:05 PM  
To: leunga@city.ottawa.on.ca  
Subject: Fisher & Meadowlands development

As a resident of Orkney Private in Ottawa I find the plans for the commercial expansion at Meadowlands and Fisher unacceptable. This an already busy intersection especially during peek hours.

There is no need for another fast food outlet, we already have a McDonald's at Meadowlands and Prince of Wales, Pizza and Sub outlet at Fisher and Prince of Wales and there are bars at each of these corners and at Fisher and Baseline. Presently each Saturday morning while walking my dog I collect the paper garbage along Meadowlands between Fisher and the end of Carleton Square. Most times I can fill 2 garbage bags full with McDonald's containers and Tim Horton coffee cups. This amount of garbage would only increase if there was an outlet on the corner.

I would request that the Planning and Economic Development Committee review this plan again. We are well served by our community store (Jack's) and the community hairdresser and drycleaners.

Sincerely  
M McGahey  
544 Orkney Private

To: Anne-Marie Leung, Executive Assistant  
Planning and Economic Development Committee  
City of Ottawa. FAX: 244 5417  
Cc: Jim Bickford. FAX: 224 8071

From: Bruce Ricketts, Resident at: 326 Kintyre Private, Ottawa, K2C 3M6. Phone:224-8763  
Date: December 6, 1999-12-06

Re: Official Plan Amendment/Zoning – 1530 Fisher Avenue

Ms. Leung,

Through you I wish to address the Planning and Economic Development Committee with respect to the proposed amendment of the property mentioned above.

As a resident of the area affected by this change I wish to bring to your attention a number of issues not addressed in your planning document (ASC1990PW-PLN-0161).

Before I beginning, however, I would like to say three things:

I find it odd that there was no notice (that I saw) sent to residents in the area affected by this amendment. Our only notification came when a neighbour contact your office to enquire as to the issue and was told that the meeting was December 7<sup>th</sup>. As you noted in your own document, there is a fair amount of opposition to the proposal from Minto.

Secondly, in that the province has announced that Ottawa and Nepean will merge, the issue of rezoning a small piece of Ottawa land which is joined to a larger piece of Nepean land appears to be an issue best left to the new City of Ottawa.

Thirdly, the rezoning of this small piece of the City of Ottawa to commercial use is contrary to the current use of the land and also sends a tacit message of approval, by the residents of Ottawa, to the City of Nepean of the applicant's use of the whole parcel of land.

The following are the issues I wish to raise:

In your document you refer to sub-centres located in the area and on the Secondary Land Use Plan. You refer to Fisher and Baseline, Fisher and Prince of Wales and Baseline at Prince of Wales. Nowhere in your document do you refer to the sub-centre at Dynes Road and Prince of Wales. Including 1530 Fisher, this means that there are 5 sub-centres and the major centre at Meadowlands and Prince of Wales servicing this area. The applicant wishes to expand the services at 1530 Fisher when the community is already well serviced.

The current use of the land under review is parking for residents of the rental housing along Fisher Road and north of the site. By rezoning this land to commercial the City of Nepean is now free to grant the request of the applicant, thus eliminated the parking for these residents.

In your document you state that there will be a net gain of \$1,300 per year while costs will go

down four fold. I fear that you have put rose coloured glasses on for this statement to be true. This rezoning can easily result in a lower property value for residents of Carleton Square. Assuming that each resident pays \$1,200 per year, based on assessment, and that there are 241 units in the condominium, a very small drop in values (and assessments) could wipe out the “savings”.

Other costs, not in your estimates, would be borne by the residents of the City, in the form of increased policing required. The current retail space of the sub-centre closes operation at 10pm. This early closure tends to mitigate any instance of foul play in the area when compared to other areas where retail space can be open for up to 24 hours.

By rezoning this land to commercial, thus granting leave to the City of Nepean to accede to the wishes of the developer, the City of Ottawa will play a part in the destruction of an institution. The residents of the area do not know the site as Parkwood Hills Food Store. It is called “Jack’s”. “Jack’s” has been part of the Carleton Heights community for as long as people can remember.

The issue of this application for rezoning should not be seen as benign because it is only a small piece of land. The committee should take into account the effect of the whole project on the residents of the City of Ottawa even if the major decision is to be made by the City of Nepean.

The chances are there will not be a great hue and cry from the residents of the City of Nepean affected by this application. As you should be aware, that area of Nepean is rental properties. It is the residents of the City of Ottawa who will be adversely affected by this application.

Members of the Committee, this application should be refused for three reasons:

- The area is well serviced with retail space at this time.
- The approval of this application will result in loss of parking for residents along Fisher Road.
- The approval of this application can erode the property values of residents in the vicinity of the property.

Let us not be naive about this issue at the City of Nepean. As anyone can see, the City of Nepean likes retail space. And as you can see, for instance along Merivale Road, quality of life issues do not weigh much in the decision making process.

I ask you to protect the quality of life for my family and that of my friends and neighbours. Reject, completely, this application.

Sincerely,

Bruce Ricketts

# Backgrounder

November 2, 1999

ACS1999-PW-PLN-0048

## **9. Official Plan/Zoning Amendments - Temporary Surface Parking in the Central Area and Inner City Residential Districts**

### **Modification du plan directeur et du zonage - stationnement en surface temporaire dans l'aire centrale et dans les secteurs résidentiels de l'hyper-centre**

#### **Issue**

- in 1996, Council directed staff to conduct a study of temporary surface parking in the Central Area and inner city neighbourhoods.
- purpose of the study: to review parking supply information needed to support City policy on temporary parking; assess effectiveness of the policy in implementing Official Plan on temporary parking; and determine how to clarify Council's position on this issue.
- surface public parking has been restricted as a permitted use in the Central Area as a result of direction from Council and the Official Plan, which deems such parking to be detrimental since it encourages automobile use and pollution and has negative impacts on pedestrians.
- since 1986, there have been many requests for zoning to permit surface parking lots in the Central Area and inner city neighbourhoods.

#### **What's New**

- a number of amendments are proposed to the Official Plan and the City's comprehensive Zoning By-law in order to clarify Council's position on this issue.

#### **Impact**

- the policy to discourage temporary surface parking is consistent with the intent to provide a transportation system that encourages the use of walking, cycling and public transit (especially for commuting) as the principal means of improving access to and mobility within the Central Area.

**Contact: Author - Charles Lanktree - 244-5300 ext. 3859**

**Chief Communications Officer - Lucian Blair - 244-5300 ext. 4444**



City of  
Ville d' **Ottawa**

November 2, 1999

Department of Urban Planning and Public  
Works

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

ACS1999-PW-PLN-0048  
(File: OCS3041-110)

Ward/Quartier  
OT5 - Bruyère-Strathcona  
OT6 - Somerset

Action/Exécution

## 9. Official Plan/Zoning Amendments - Temporary Surface Parking in the Central Area and Inner City Residential Districts

**Modification du plan directeur et du zonage - stationnement en surface  
temporaire dans l'aire centrale et dans les secteurs résidentiels de  
l'hyper-centre**

### Recommendations

1. That amendments to the Official Plan concerning Temporary Surface Parking in the Central Area and Inner City Neighbourhoods be **APPROVED** as set out in the attached Document 1.
2. That Zoning By-law Z-2K and Zoning By-law, 1998 be amended as described in Document 2.

November 4, 1999 (9:41a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

CL:cl

Contact: Charles Lanktree - 244-5300 ext. 1-3859

November 15, 1999 (1:09p)

Approved by  
John S. Burke  
Chief Administrative Officer

***Planning and Economic Development Committee Action - November 23, 1999***

- ▶ *The Committee deferred this item to its meeting of January 11, 2000.*
- ▶ *Record of Proceedings is attached.*

**Financial Comment**

N/A.

  
November 4, 1999 (9:00a)

for Mona Monkman  
City Treasurer

BH:cds

**Executive Report****Reasons Behind Recommendations**Background

In November of 1996 staff initiated a study of temporary surface parking in the Central Area and inner city neighbourhoods as directed by City Council. The objectives of this study as set out in the terms of reference were as follows:

- to review the parking supply information needed to support the City policy on temporary parking;
- to assess the effectiveness of the policy to implement the direction of the Official Plan concerning temporary parking; and
- to determine the means which should be utilized to clarify Council's position on this issue.

In fulfilment of the first two study objectives staff circulated a discussion paper in May, 1998 to the various stakeholders in this issue. The discussion paper documented the Official Plan policy review and analysis with respect to this issue, provided a zoning history relative the affected sites, and a survey of parking supply in the study with an explanation of its relationship to temporary surface parking.

The following rationale explains the means that are proposed to be utilized to clarify Council's position on this issue. These are proposed as a number of amendments to the Official Plan and the City's comprehensive Zoning By-law.

### Rationale

Surface public parking is not a permitted use across most of the Central Area as the predominant zoning districts in this area require public parking to be located in a building or structure. This is a specific zoning provision which follows from Official Plan (OP) policy to discourage surface public parking. Due to this specific policy and regulatory direction from City Council, surface public parking has been effectively restricted as a permitted use in the Central Area.

This approach to public parking proceeds from the history of deterrent policy related to this use. Following the 1975 Central Area Parking Study and the Open Space Policy Study of the same year, public parking was deleted as a permitted use in the C2 zone which is the predominant zoning in the Central Area. This was due to concern with the proliferation of unsightly surface lots at a time when many new municipal parking facilities were being constructed.

A further review of this issue by planning staff in 1986 revealed that the concern was primarily with surface lots on vacant land. It was determined that public parking could be located in a building or structure and not impact on the pedestrian environment. This would permit the then existing parking structures and a number of new developments with parking structures in the Central Area. Accordingly, City Council approved an amendment to the C2 zoning in the Central Area at that time to permit public parking if located in a building or structure.

However, since 1986 there have been a substantial number of requests for zoning to permit surface parking lots in the Central Area and inner city neighbourhoods. The Temporary Use Provisions of the Official Plan have been used as a means to permit surface parking in the face of Official Plan policy and zoning restrictions which discourage this use in the Central Area. The Temporary Use Provisions of the Official Plan, as enabled by Section 39 of The Planning Act, can be used as a basis for temporary zoning of a use for a maximum of three years which would not otherwise be permitted under the zoning by-law. The Ontario Municipal Board (OMB) has raised some concern with the wording of Section 13.17.1(a) of the OP which states that temporary use by-laws need not conform to the OP. The Planning Act in Section 24(1) states that by-laws must conform to the municipality's OP, including temporary use by-laws. Further, Section 39(1) of the Planning Act concerning temporary uses, allows for the passing of a temporary use by-law for a use that is otherwise prohibited by the comprehensive by-law but does not extend that privilege to allowing a use that is not in conformity with the OP. Given that this legal question has been raised it is recommended to amend the wording of Section 13.17.1(a) to bring it into conformity with the Planning Act.

Due to fires and other demolition activity more vacant sites are appearing and are becoming available for surface public parking. Construction activity has slowed since the beginning of the decade, with properties remaining vacant for extended periods. This has in turn caused

an increase in the number of requests for extension of any existing zoning permission for temporary surface parking. As a result, City Council and staff are experiencing increased demands to review these requests for temporary zoning to permit surface parking. Recent experience with the policy framework concerning temporary surface parking in the Central Area has shown the need for City Council to assess its position on this issue. The Local Architectural Conservation Advisory Committee (LACAC) has also recently expressed concern that this trend could significantly impact on the integrity of residential districts adjacent to the Central Area as existing building stock is removed and sites are cleared for surface parking.

Recent Ontario Municipal Board (OMB, "the Board") rulings with respect to properties in and adjacent to the Central Area indicate that there remains potential for confusion between the general policy direction to ensure an optimum (best) supply of parking within the Central Area and the specific policy which discourages temporary surface parking. While there is a need for greater analysis of relevant factors, such as parking supply, and the appropriateness of this temporary use in its physical context, it is most important to distinguish temporary surface parking as a minor component of the larger parking issue.

Temporary surface parking is considered by the Official Plan to be a detrimental land use within the Central Area as it encourages the use of private cars with their polluting emissions and negative impacts on the pedestrian environment. In order to address this issue a specific policy 5.9.2.2 f) was adopted in the Central Area Chapter of the Official Plan which, in association with other transportation and environmental strategies, is intended to discourage this use. A detailed policy analysis is provided in the attached "Discussion Paper: Temporary Surface Parking in the Central Area and Inner City Residential Districts" (Document 4) which explains the interrelationship of this policy with others in the Official Plan (see in particular the section titled 2.0 Official Plan - Policy Review and Analysis - Temporary Surface Parking [Section 5.9.2.2 f.]).

It should be noted that some of the Character Areas in the Secondary Policy Plan for the Central Area do not include a parking strategy or any specific direction relative to parking. Policy 1.5.3 p) concerning the By Ward Market Character Area is the most comprehensive statement of this type. It would appear that more policy support is needed with respect to the other Character Areas to carry the general direction of the Primary Plan to discourage temporary surface parking into the Secondary Policy Plan for the Central Area. Therefore, a policy concerning temporary surface parking similar to 5.9.2.2 f) should be added to each of the Character Areas.

The policy to discourage temporary surface parking in the Central Area of Ottawa is consistent with the Official Plan of the Regional Municipality of Ottawa-Carleton (RMOC). Policy 3.4.2 (9) of the Regional Official Plan (ROP) states that in the Central Area the intent is to provide a transportation system which encourages the use of walking, cycling, and public transit (especially for commuting) as the principal means of improving access to and mobility within the Central Area.

A recommendation is also being made to amend the zoning by-law to clarify the terminology used to denote a surface parking lot. Due to the use of a condition which requires public parking in the Central Area to be located in a building or structure, a number of properties have been granted temporary zoning for surface public parking as a variance to the zoning through the Committee of Adjustment. While staff have expressed concern and objection to this practice in the past, the Committee generally has ruled that such a matter is within their purview. However, given the specific OP policy concerning temporary surface parking, staff view this as a substantive land use issue which should be dealt with by City Council. Therefore, the term “parking garage” is being suggested as a precisely defined land use which would be permitted under the zoning by-law and is less likely to be subject to review by the Committee of Adjustment. This new definition will replace any reference to the condition which requires public parking to be located in a building or structure. As this is a new defined land use in the Zoning By-law it will apply on citywide basis, however, it will only be included as a listed permitted use in those zoning districts which previously required public parking to be located in a building or structure and these are predominantly located in the Central Area.

## Economic Impact Statement

The recommendations presented in this report will have no appreciable economic impact on the City.

## Consultation

As outlined in the Terms of Reference for the study of temporary surface parking in the Central Area and inner city neighbourhoods, a discussion paper was circulated to all of the stakeholders in this issue in May, 1998 to provide information and an opportunity to comment. Responses were received from community associations, business improvement associations, and parking lot operators who have an interest. The comments made by these various groups are addressed in Consultation Details section of this report.

## Disposition

Department of Corporate Services, Statutory Services Branch, to notify the Clerk of the Regional Municipality of Ottawa-Carleton (RMOC) of City Council's decision set out in Recommendation 1, and notify the Development Approvals Division, Planning and Development Approvals Department (RMOC), of the outcome of Recommendation 2.

Office of the City Solicitor to forward required OPA by-law to City Council.

Department of Urban Planning and Public Works, Planning Branch to:

1. prepare and circulate notice of the Official Plan adoption to those persons and public bodies who requested notification; and
2. submit the Official Plan amendment and the required documentation to the Regional Municipality of Ottawa-Carleton for approval.

## List of Supporting Documentation

Document 1a	Explanatory Note to Zoning By-law Z-2K
Document 1b	Explanatory Note to Zoning By-law, 1998
Document 2	Zoning Details
Document 3	Draft Official Plan Amendment
Document 4	Discussion Paper: Temporary Surface Parking in the Central Area and Inner City Residential Districts
Document 5	Consultation Details

## Part II - Supporting Documentation

### Explanatory Note to Zoning By-law Z-2K

Document 1a

#### EXPLANATORY NOTE TO THE PROPOSED BY-LAW NUMBER \_\_\_\_\_

By-law Number \_\_\_\_\_ amends By-law Z-2K the City's Comprehensive Zoning By-law. The amendment affects any and all zones under this by-law wherein public parking is required to be located in a building or structure.

#### CURRENT ZONING

In certain zones set out in the By-law, public parking is listed as a permitted use, conditional upon whether it is located in a building or structure. This is generally the case for the C2 and BWM zones within the Central Area along with a number of other exception zones.

#### PROPOSED ZONING

A "Parking Garage" is to be added as a permitted use in the By-law and is to be defined to mean "public parking" which is located in a building or structure. The term "parking garage" will replace any reference to public parking which is required to be located in a building or structure and a "parking garage" is added as a permitted use in every zone where a "public parking area" is a permitted use.

This constitutes the proposed amendment to Zoning By-law Z-2K. For further information on this amendment contact Charles Lanktree at 244-5300 ext. 3859.

**Explanatory Note to Zoning By-law, 1998**

Document 1b

## EXPLANATORY NOTE TO THE PROPOSED BY-LAW NUMBER

By-law Number \_\_\_\_\_ amends Zoning By-law, 1998 the City's Comprehensive Zoning By-law. The amendment affects any and all zones under this by-law wherein a parking lot is required to be located in a building or structure.

## CURRENT ZONING

In certain zones set out in the By-law, a parking lot is listed as a permitted use, conditional upon whether it is located in a building or structure. This is generally the case for the CB and CM zones within the Central Area along with a number of other exception zones.

## PROPOSED ZONING

A "Parking Garage" is to be added as a permitted use in the By-law and is to be defined to mean a building used for the temporary parking of four or more passenger vehicles. The term "parking garage" will replace any reference to a parking lot which is required to be located in a building or structure and a "parking garage" will be added as a permitted use in every zone where a "parking lot" is a permitted use.

This constitutes the proposed amendment to Zoning By-law, 1998. For further information on this amendment contact Charles Lanktree at 244-5300 ext. 3859.

**Zoning Details:**

Document 2

## ZONING BY-LAW, 1998

1. Add a definition of “parking garage” as follows: parking garage means a building used for the temporary parking of four or more passenger vehicles.
2. Where “parking lot” is a listed permitted use and is required to be in a building, replace “parking lot” as a permitted use with “parking garage” and eliminate the requirement for the “parking lot” to be in a building.
3. Add “parking garage” as a permitted use in every zone where “parking lot” is a permitted use.

## ZONING BY-LAW Z-2K

1. Add a definition of “parking garage” as follows: parking garage means a building used for the parking of more than four (4) motor vehicles and available for public or restricted use.
2. Where “public parking area” is a listed permitted use and is required to be in a building, replace “public parking area” with “parking garage” and eliminate the requirement for the “public parking area” to be in a building.
3. Add “parking garage” as a permitted use in every zone where “public parking area” is a permitted use.

Official Plan Amendment ■ Modification du Plan directeur

# Land Use Utilisation du sol



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## THE STATEMENT OF COMPONENTS

Part A - THE PREAMBLE, introduces the actual Amendment but does not constitute part of Amendment No. \_\_\_\_ to the City of Ottawa Official Plan.

Part B - THE AMENDMENT, consisting of the following text constitutes Amendment No. \_\_\_\_ to the City of Ottawa Official Plan.

Part C - THE APPENDIX, does not form part of Amendment No. \_\_\_\_ but is provided to clarify the intent and to supply background information related to the Amendment.

PART A - THE PREAMBLE

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1.0 Purpose

The purpose of Amendment No. \_\_\_\_ is to propose the means to clarify City Council's position with respect to temporary surface parking in the Central Area and inner city neighbourhoods.

2.0 Location

The affected area is comprised of the entirety of Wards 5 and 6 (Bruyère-Strathcona and Somerset Wards) which include the Central Area and inner city neighbourhoods as shown on the attached Location Map (Part C - The Appendix).

3.0 Basis

In November of 1996 staff initiated a study of temporary surface parking in the Central Area and inner city neighbourhoods as directed by City Council. The objectives of this study as set out in the terms of reference were as follows:

- to review the parking supply information needed to support the City policy on temporary parking;
- to assess the effectiveness of the policy to implement the direction of the Official Plan concerning temporary parking; and
- to determine the means which should be utilized to clarify Council's position on this issue.

In fulfilment of the first two study objectives staff circulated a discussion paper in May, 1998 to the various stakeholders in this issue. The discussion paper documented the Official Plan policy review and analysis with respect to this issue, provided a zoning history relative the affected sites, and a survey of parking supply in the study with an explanation of its relationship to temporary surface parking.

The following rationale explains the means that are to be utilized to clarify Council's position on this issue. These are proposed as a number of amendments to the City of Ottawa Official Plan.

As currently worded, Policy 5.9.2.2 f) of the Official Plan states that, “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. City Council shall, in determining the use of this policy, take into account specific parking strategies in the Central Area Secondary Policy Plan. Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of substantial vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of usable open space be provided in accordance with Policies 5.6.2 u), 5.8.2 e) and 5.9.2.2 g).” As a means to further strengthen Policy 5.9.2.2 f) this Amendment adds a cross-reference to the temporary use provisions as set out in Policy 13.17.1. The amended text states that, “notwithstanding the ability for City Council to pass temporary use by-laws, temporary surface parking shall be discouraged.” The intent to restrict this use to the exceptional case will thereby be made clear.

There is some concern with the wording of Policy 13.17.1(a) of the Official Plan, most notably as expressed by the Ontario Municipal Board in decisions issued by the Board with respect to matters before it having to do with temporary surface parking in Ottawa. This policy states that temporary use by-laws need not conform to the Official Plan. However, the Planning Act in Section 24(1) states that by-laws must conform to the municipality's Official Plan, and this includes temporary use by-laws. Further, Section 39(1) of the Planning Act allows for the passing of a temporary use by-law for a use that is otherwise prohibited by the comprehensive by-law, but does not extend that privilege to allowing a use that is not in conformity with the Official Plan. Therefore, it is considered necessary to amend Section 13.17.1(a) of the Official Plan to bring it into conformity with Sections 24(1) and 39(1) of the Planning Act. This would result in more emphasis being placed on the direction of the Official Plan with respect to the adoption of a temporary use by-law. Therefore policies such as 5.9.2.2 f), which discourages temporary surface parking in the Central Area, would have more weight in the consideration of a temporary zoning application.

It should be noted that some of the Character Areas in the Secondary Policy Plan for the Central Area do not include a parking strategy or any specific direction relative to parking. Policy 1.5.3 p) concerning the By Ward Market Character Area is the most comprehensive statement of this type. It would appear that more policy support is needed with respect to the other Character Areas to carry the general direction of the Primary Plan to discourage temporary surface parking into the Secondary Policy Plan for the Central Area. Therefore, a policy concerning temporary surface parking similar to 5.9.2.2 f) has been added to each of the Character Areas.

The Local Architectural Conservation Advisory Committee (LACAC) has expressed concern with the potential negative impacts of this use within residential neighbourhoods outside the Central Area. In response, City Council approved a motion of the Planning and Economic Development Committee (PEDC)... "that City Council establish temporary surface parking policies to discourage temporary rezonings for surface parking areas on residential land." Therefore, to implement this direction of City Council, a policy statement similar to 5.9.2.2 f) of the Principle Plan for the Central Area has been included in each of the Secondary Policy Plans and/or Key Principles of Neighbourhood Plans within the affected area (see Part C - Appendix 1). The one exception to the use of the term "discourage" in a policy statement concerning temporary surface parking is in the case of Policy 3.4.7 d) in the Centretown Secondary Policy Plan where the phrase "shall not permit" is used to be consistent with the general prohibition of public parking expressed in the policy.

## PART B - THE AMENDMENT

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### 1.0 The Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. \_\_\_\_ to the City of Ottawa Official Plan.

### 2.0 Details of the Amendment

The City of Ottawa Official Plan is hereby amended as follows:

- 2.1 Chapter 5.0 - Central Area contained in Volume I of the City of Ottawa Official Plan, is amended as follows:

- 2.1.1 Policy 5.9.2.2 f) of the Parking and Loading provisions is deleted in its entirety and replaced with a new Policy 5.9.2.2 f) to read as follows:

*Temporary Surface Parking*

“Notwithstanding that City Council can pass Temporary Use By-laws, 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. City Council shall, in determining the use of this policy, take into account specific parking strategies in the Central Area Secondary Policy Plan. Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided in accordance with Policies 5.6.2 u) and 5.8.2 e) of this chapter and Policy g) below.”

2.2 Chapter 13.0 - Implementation and Monitoring contained in Volume I of the City of Ottawa Official Plan, is hereby amended as follows:

2.2.1 Policy 13.17.1 a) of the Temporary Use provisions is deleted in its entirety and replaced with a new Policy 13.17.1 a) to read as follows:

*Temporary Use Provisions*

“City Council recognizes that it may be desirable to permit uses for specific temporary periods up to a maximum of three years, which would otherwise not conform to the comprehensive Zoning By-law. Such uses may be permitted upon individual application and careful consideration by City Council, of the need and appropriateness of a Temporary Use By-law and to ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use.”

2.2.2 Policy 13.17.1 b) of the Temporary Use provisions is deleted in its entirety and replaced with a new policy 13.17.1 b) to read as follows:

*Extension*

“City Council may extend a Temporary Use By-law as set out in the Planning Act upon individual application and careful consideration by City Council, of the need and appropriateness of a Temporary Use By-law and shall ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use and that it does not jeopardize the long-term development intentions for the subject lands/area as specified in the Official Plan.”

2.3 Chapter 1.0 - Central Area Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:

2.3.1 Policy 1.3.3 i) iii) of the Core Area Character Area is deleted in its entirety and replaced with a new Policy 1.3.3 i) iii) to read as follows:

*Temporary Surface Parking*

“iii) discourage the provision of temporary surface parking spaces within the Core, and where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.

2.3.2 Policy 1.5.3 p) of the By Ward Market Character Area is amended by:

- i) deleting the word ‘and’ at the end of subparagraph iv).
- ii) deleting the period at the end of subparagraph v) and replacing it with a semi-colon, followed immediately by the word ‘and’.
- iii) adding the following new policy immediately following Policy 1.5.3 p) v):
  - “vi) discouraging the provision of temporary surface parking spaces within the By Ward Market Character Area, and where temporary surface parking is permitted, requiring site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.3 Policy 1.6.3 h) of the Rideau/Congress Centre Character Area is amended by:

- i) deleting the word ‘and’ at the end of subclause i).
- ii) deleting the period at the end of subclause ii) and replacing it with a semi-colon, followed immediately by the word ‘and’.
- iii) adding the following new policy immediately after Policy 1.6.3 h) ii):
  - “iii) discouraging the provision of temporary surface parking spaces within the Rideau/Congress Centre Character Area, and where temporary surface parking is permitted, requiring site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.4 Policy 1.7.3 of the Canal Character Area is amended by adding the following new policy immediately after Policy 1.7.3.i):

*Temporary Surface Parking*

“j) City Council shall discourage the provision of temporary surface parking spaces within the Canal Character Area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.5 Policy 1.8.3 h) of the Lowertown Character Area is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Lowertown Character Area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.6 Policy 1.9.3 of the Sandy Hill West Character Area is amended by adding the following new policy immediately after Policy 1.9.3 k):

*Temporary Surface Parking*

“l) City Council shall discourage the provision of temporary surface parking spaces within the Sandy Hill West Character Area to ensure a pedestrian-oriented residential environment, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.7 Policy 1.10.3 of the Upper Town Character Area is amended by adding the following new policy immediately following Policy 1.10.3 g):

*Temporary Surface Parking*

“h) City Council shall discourage the provision of temporary surface parking spaces within the Upper Town Character Area to ensure a pedestrian-oriented residential environment, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.8 Policy 1.12.3 j) of the Rideau Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Rideau Theme Street area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.9 Policy 1.13.3 m) of the Sparks Theme Street is amended by adding the following as the final sentence of the policy:  
 “However, City Council shall discourage the provision of temporary surface parking spaces within the Sparks Theme Street area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”
- 2.3.10 Policy 1.14.3 l) of the Bank Theme Street is amended by adding the following as the final sentence of the policy:  
 “However, City Council shall discourage the provision of temporary surface parking spaces within the Bank Theme Street, and where temporary surface parking is permitted, shall require enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”
- 2.4 Chapter 3.0 - Centretown Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:
- 2.4.1 Policy 3.4.7 d) of the Transportation Policies is amended by adding the following as the final sentence of the policy:  
 “Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall not permit temporary surface parking spaces on vacant sites within Centretown in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”
- 2.5 Chapter 5.0 - Sandy Hill Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is hereby amended as follows:
- 2.5.1 Policy 5.3.3 of the Transportation Policies is amended by adding the following new policy immediately after Policy 5.3.3 d):  
 “e) Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage temporary surface parking spaces on vacant sites within Sandy Hill in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”

2.6 Chapter 8.0 - Lowertown West (Key Principles) contained in Volume II of the City of Ottawa Official Plan, is hereby amended by adding the following new policy immediately following Policy 8.3.6:

2.6.1 Policy 8.3.7 - Parking Policies is added as follows:

“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage temporary surface parking spaces on vacant sites within Lowertown West in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”

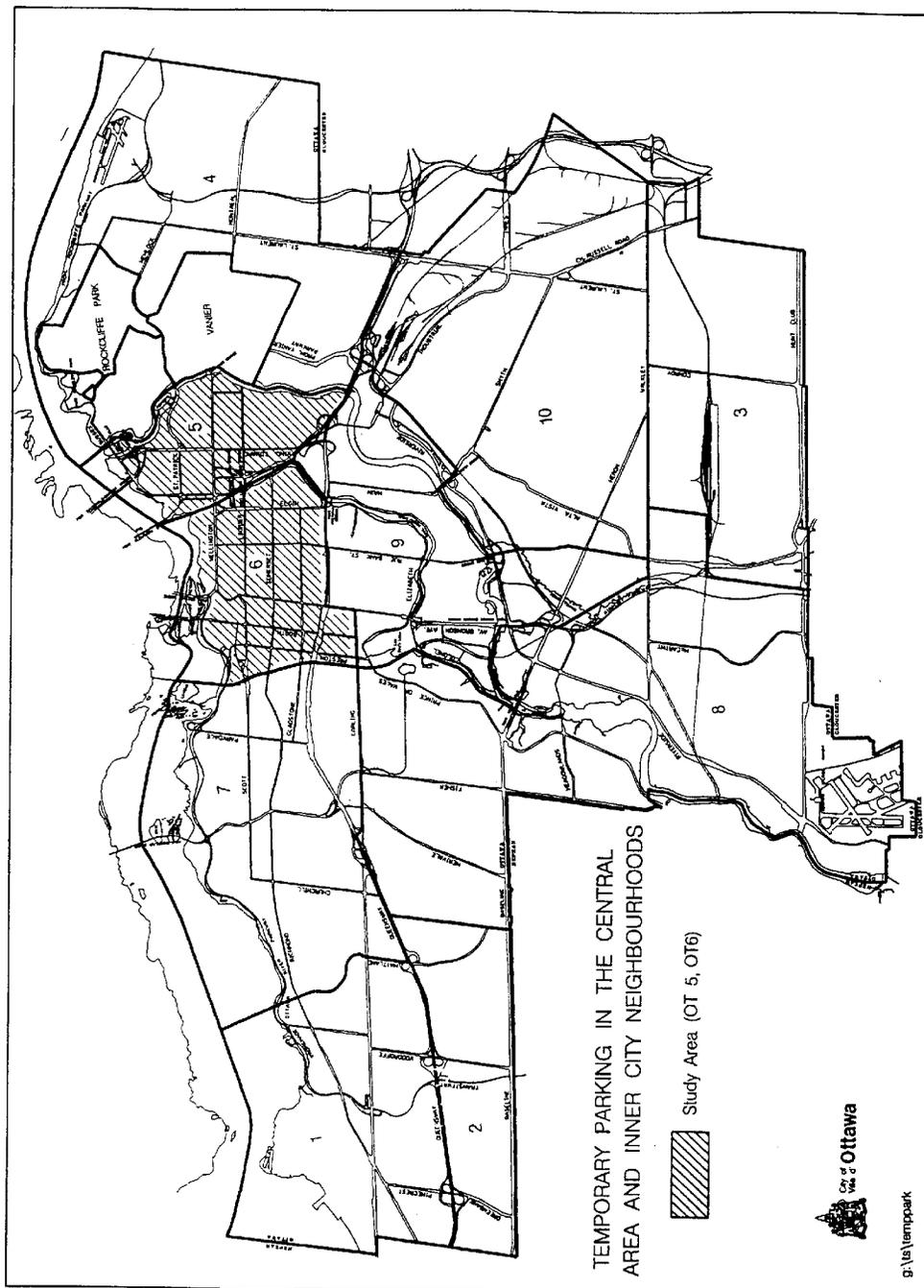
### 3.0 Implementation and Interpretation

Implementation and interpretation of this amendment shall be made having regard to all Chapters of the City of Ottawa Official Plan.

## PART C - THE APPENDIX

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The map entitled “Temporary Parking in the Central Area and Inner City Neighbourhoods” attached hereto, constitutes PART “C” - THE APPENDIX and illustrates the area affected by the changes contained in this Amendment.



DISCUSSION PAPER  
TEMPORARY SURFACE PARKING IN THE CENTRAL AREA  
AND INNER CITY RESIDENTIAL DISTRICTS

May, 1998

City of Ottawa  
Department of Urban Planning and Public Works  
Planning Branch

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## 1.0 Introduction

Surface public parking is not a permitted use across most the Central Area as the predominant zoning districts in this area require public parking to be located in a building. This is a specific zoning provision which follows from Official Plan (OP) policy to restrict this use. Due to this specific policy and regulatory direction from City Council surface public parking has been effectively restricted as a permitted use in the Central Area. However, in recent years there have been a substantial number of requests for temporary zoning to permit surface parking lots in the Central Area and inner city neighbourhoods. Due to fires and other demolition activity more vacant sites are appearing and are becoming available for surface public parking. Construction activity has slowed since the beginning of the decade, with properties remaining vacant for extended periods. This has, in turn, caused an increase in the number of requests for extensions of any existing zoning permission for temporary surface parking. As a result City Council and staff are experiencing increased demands to review these requests for temporary zoning to permit surface parking. Recent experience with the policy framework concerning temporary surface parking in the Central Area has shown the need for City Council to assess its position on this issue. The Local Architectural Conservation Advisory Committee (LACAC) has also recently expressed concern that this trend could significantly impact on the integrity of residential districts adjacent to the Central Area as existing building stock is removed and sites are cleared for surface parking.

Recent Ontario Municipal Board (OMB, "the Board") rulings with respect to properties in and adjacent to the Central Area indicate that there remains potential for confusion between the general policy direction to provide parking within the Central Area and the specific policy which discourages temporary surface parking. While there is a need for greater analysis of relevant factors, such as parking supply, and the appropriateness of this temporary use in its physical context, it is most important to distinguish temporary surface parking in the context of the larger parking issue.

Temporary surface parking is considered by the Official Plan to be a detrimental land use within the Central Area as it encourages the use of private cars with their polluting emissions and negative impacts on the pedestrian environment. In order to address this issue a specific policy 5.9.2.2 f) was adopted in the Central Area Chapter of the Official Plan which, in association with other transportation strategies, is intended to discourage this use. The intent of this study is to review the parking supply information needed to support the City policy on temporary surface parking, to assess the effectiveness of the policy to implement the direction of the Official Plan concerning temporary surface parking, and to determine the means which should be utilized to clarify Council's position on this issue.

This "discussion paper" presents an outline of the key issues which are being addressed in this study of temporary surface parking in the Central Area and within inner city residential districts (Bruyère-Strathcona Ward, Somerset Ward). It is being distributed to the various stakeholder groups that have an interest in temporary surface parking to solicit their comments with respect to related issues. An attempt will be made to resolve any outstanding issues following from this process. A report will then be presented to the Planning and Economic Development Committee at a public meeting with recommendations intended to meet the objectives of the terms of reference for this study.

## 2.0 Official Plan - Policy Review and Analysis

The following survey of Official Plan policy outlines the current City Council direction concerning this issue. It also identifies the relationship with other relevant policies in the Plan and provides a discussion of the key issues raised by recent experience with this policy framework.

- Temporary Use (Section 13.17)  
The temporary use provisions in section 13.17.1 a) and b) state that the OP represents the long-term direction to the development of the city and as such it may be desirable to permit uses for short periods (three years.) which otherwise would not conform to the OP or the zoning by-law. Criteria which should be applied to the consideration of the initial application include a substantiation of the need for the temporary use, some indication of its appropriateness, and assurance that the use will not adversely affect the objectives and policy direction of the OP. The extension of a temporary use beyond the initial approval period is considered relative to its potential to jeopardize the long-term development intentions for the subject lands as specified in the OP. There is some concern with the criteria which are to be applied to the initial request for a temporary use relative to any subsequent extensions. It would seem reasonable that the same criteria should be applied to both situations. That is, both the initial request, as well as the subsequent extension of a temporary use should be subject to the same careful consideration by City Council.

Consideration of the need for a temporary use is a key criteria set out in this policy. Information concerning the parking demand or need in the Central Area has been available through the 1985 Delcan Study of parking utilization. At that time an adequate total supply of off-street parking was identified. An update of this study was undertaken in 1995 which indicates that there remains, in general, adequate off-street parking to meet the parking demand. Also, due to employment reductions in the federal public service, which

is largely located in the Central Area, the demand for parking has not risen appreciably. However, in assessing the need for this use as directed by the Temporary Use Provisions of the OP it is important to recognize that temporary surface parking is distinguished from other temporary uses in the Central Area Chapter of the OP. As policy 5.9.2.2 f) states that this use is to be discouraged, temporary parking is not similar to other means of providing for any real or perceived need for parking.

In considering past applications for temporary surface parking the appropriateness of the use has been assessed relative to the physical context of each site, with relevant policies being brought to bear concerning land use relationships. The application of this criteria has not been contested at the Board. Its weight in the review of an application is relative to the myriad of site specific issues. However, generally temporary surface parking is considered to create adverse impacts on the pedestrian environment including an increase in automobile traffic generated with the associated carbon emissions, noise and light.

The extent of adverse effects created by a temporary use on the objectives and policy direction of the OP is dependant on the strength of the relevant policies. A large number of related policies can be identified which speak to the desire to reduce carbon emissions and ensure a vibrant pedestrian environment. As the availability of parking is intended to attract automobile users it is apparent that allowing temporary surface parking has the potential to adversely affect these objectives and policies of the OP.

The Board has also raised some concern with the wording of Section 13.17.1(a) of the Official Plan which states that temporary use by-laws need not conform to the Official Plan. The Planning Act in Section 24(1) states that by-laws must conform to the municipality's Official Plan, including temporary use by-laws. Further, Section 39(1) of the Planning Act concerning temporary uses allows for the passing of a temporary use by-law for a use that is otherwise prohibited by the comprehensive by-law but does not extend that privilege to allowing a use that is not in conformity with the Official Plan.

However, a guideline document published by the Ministry of Municipal Affairs and Housing (Guideline 8, October 1983) advises that a statement authorizing the passing of temporary use by-laws which do not conform to the Official Plan may be included if a municipality intends to permit such uses. As stated above, Section 13.17.1(a) of the Official Plan includes such a statement, however, the fundamental legality of such a statement has been called into question. Ultimately a legal question of this type can only be answered by the courts. However, given that the question has been raised it may be advisable to review the wording of the temporary use provisions in Section 13.17.1(a) in order to avert legal action.

As the temporary use provisions are now worded, they also could be interpreted to have a diminishing effect on policy 5.9.2.2 f) of the Central Area Chapter which is specific to temporary surface parking. The temporary use provisions state that City Council may permit uses which would otherwise not conform to the Official Plan or Zoning By-law for temporary periods. However, in principle the more specific policy to discourage temporary surface parking should take precedence over the more general temporary use provisions. Given the potential conflict between these provisions of the Official Plan they should be cross referenced to clarify their relative priority when applied to temporary surface parking.

- Temporary Surface Parking (Section 5.9.2.2 f.)  
This policy was intended to specifically address temporary surface parking in stating that..."City Council shall discourage the provision of temporary surface parking on vacant sites within the Central Area in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment...". References to the reduction of carbon emissions and concern with negative impacts to the pedestrian environment relate this policy to several others in the Official Plan which call for reduced parking and general automobile use, along with the promotion of alternative modes of transportation. Statements concerning these issues can be found in the "Guiding Principles" (2.3.7) and "Vision for Ottawa" (2.4 Improve Environmental Quality - Central Area, Increase Opportunities for Non-auto Transportation, Emphasis on Pedestrians) which form part of the "Municipal Development Strategy". More detailed references can be found in following sections of the Official Plan:
- Central Area Chapter of the Primary Plan [Strategic Approach 5.3.11, Urban Design 5.6.2 u), Leisure Resources 5.8.2 b), iii), iv), Parking and Loading 5.9.2.1 a), 5.9.2.2 a), c), e), g)];
- The Transportation Chapter [Strategic Approach 7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.6, 7.1.7, Energy Conservation/Air Quality 7.7.1 a), 7.7.2 a), i), Parking 7.8.1 b), 7.8.2 b)]; The Environmental Management Chapter [Energy Conservation-Objective to Reduce Consumption of Fossil Fuels 6.11.1 c), Increase Non-auto Transportation 6.11.2 b), Reduce Carbon Dioxide Emissions 6.12.1 c), Decrease Carbon Dioxide Emissions 6.12.2 a)];
- the Secondary Policy Plan for the Central Area [Character Areas - The Core - Vision 1.3.1 Reduced Carbon Emissions 1.3.3 i), iii), By Ward Market - Vision 1.5.1 Parking, 1.5.3 p), ii), Lowertown - Parking 1.8.3 h), Sandy Hill West - Short-term Parking 1.9.3 k), Theme Streets - Rideau Street - Parking 1.12.3 j), Sparks Street - Short-term Parking 1.13.3 m), Bank Street - Parking 1.14.3 l)];
- and Secondary Policy Plans [Centretown - Objectives 3.3.2 k), Transportation Policies 3.4.7 a), d), Sandy Hill - Transportation Policies 5.3.3 b)].

However, in a recent decision the OMB stated that policy 5.9.2.2 f) does not provide a complete answer. It appears that the Board was looking for more substantiation to justify the discontinuance of a temporary use. As part of the Primary Plan for the Central Area this policy directs that the individual parking strategies for each of the Character Areas in the Secondary Policy Plan are to be taken into account. It also refers to policies addressing the appearance of surface parking lots, when and if permitted.

It should be noted that some of the Character Areas do not include a parking strategy or any specific direction relative to parking. Policy 1.5.3 p) concerning the By Ward Market Character Area is the most comprehensive statement of this type. It would appear that more policy support is needed with respect to the other Character Areas to carry the general direction of the Primary Plan to discourage this use into the Secondary Plan for the Central Area. This could be achieved by drafting a policy concerning temporary surface parking similar to 5.9.2.2 f) for each of the Character Areas.

A number of policies in the Central Area Chapter address the appearance of surface parking and temporary surface parking in particular. Policy 5.9.2.2 f) cross-references Policies 5.6.2 u) and 5.8.2 e) along with 5.9.2.2 g) as giving direction with respect to provision of the appropriate amount of usable open space. Policy 5.8.2 b) also speaks directly to the landscape treatment of temporary surface parking as well as requesting that vacant lands be landscaped and maintained as usable open spaces for the interim period between the demolition of existing structures and the construction of any new structures, if construction is not imminent.

It should be noted that an argument has been made to justify a time extension of temporary parking due to the financial investment necessary to meet the intent of these standards for site treatment through the Site Plan Control procedure. This interpretation causes some concern as the intent of the policy is to maintain development standards for a use which is not desirable rather than provide justification to extend the duration of the use.

Policy 5.9.2.2 f) could be further strengthened if it was cross-referenced to the temporary use provisions of the OP. The intent to restrict this use to the exceptional case would thereby be made clear. Such exceptional cases could be defined by criteria related to the need and appropriateness of this use.

- Parking Strategy (Central Area Chapter - 5.0, Section 5.9.2.1 a.)  
As exhibited by recent experience in the application of this policy objective there exists some possibility to misconstrue its meaning if it is taken out of context with the associated policies which follow and explain its intent. It is important to recognize that policy 5.9.2.2 f), which follows directly from this objective, distinguishes temporary surface parking

from the overall parking supply as a form of parking which is discouraged. The Board interprets the term "optimum supply" of parking as indicating that there is no maximum supply of parking while recognizing that the OP promotes a ..."balanced parking strategy that encourages the increased use of public transit, cycling and walking as the principal means of access to the Central Area while recognizing parking as a necessary component of the transportation system."

The objective of balance can only be achieved if some limited supply of parking which serves the captive automobile users is compared with a measure of use of alternative modes of transportation. This is clear in policy 5.9.2.2 c) which states that ..."City Council shall ensure that the amount and location of auto parking required to support the functions of the Central Area encourages increased use of public transit and is consistent with efforts to reduce carbon emissions and improve energy efficiency and non-auto modes of transportation."

- Parking - By Ward Market (Section 1.5.3 p)

There is also some concern with the wording of policy 1.5.3 p) which states that,..." the provision of sufficient and appropriate cycle and vehicular parking is critical to maintaining the vitality, ambience and continuous pedestrian-oriented character of the By Ward Market". The language used in this sentence could be misconstrued as unqualified support for parking, including temporary surface parking. However, it should be viewed in the context of the Vision Statement for the By Ward Market 1.5.1 and as echoed in policy 1.5.3. p) ii) "...that additional cycle and vehicular parking be strategically integrated within mixed use development, mainly on the edges of the Market". The wording of policy 1.5.3. p) could be amended to clarify Council's direction on this issue.

- Transportation (Section 7.0)

A number of policies in the Transportation chapter of the OP address the issue of automobile use with the associated carbon emissions and negative impacts on the pedestrian environment. The Strategic Approach 7.1 states that the City shall improve the natural environment by adopting a transportation strategy which uses a combination of land use and transportation policies to reduce the use of fossil and other carbon dioxide emitting fuel. Further to this approach it suggests that we reduce automobile use in the city thereby improving the quality of life and the environment by ensuring safe, efficient, pleasant and convenient movement by other modes of transportation.

Following from these general statements Policy 7.7.2 outlines various means to reduce energy consumption and improve the quality of the natural environment by introducing measures to reduce the amount of carbon emissions from automobiles including: i) reducing the need for long-term non-residential parking spaces in intensive employment areas (eg. the Central Area and Employment Centres)... More specifically, objective 7.8.1

b) indicates that the cost of parking in municipal parking facilities and parking standards should be used to reduce automobile use. Policy 7.8.2 a) states further that Council shall establish parking standards that contribute to the overall strategy to reduce the use of automobiles in the city and b) establish parking rates in City-owned facilities which discourage long-term parking.

Policy 7.8.2 f) provides development guidelines for parking facilities throughout the city. These guidelines, as well as those found in Section 12.8 Street Environment of the Urban Design Chapter, should be used to direct the treatment of surface parking lots in the limited instances where they may be permitted.

The preceding references would indicate that some remedial work is necessary to clarify the intent of the direction provided by the OP concerning temporary surface parking.

### 3.0 Parking Supply and the Need for Temporary Surface Parking

Overall the parking supply in the Central Area has increased by nearly 40% since 1984. While the number of on-street parking spaces in the Central Area has remained the same there has been an increase of approximately 45% in off-street parking spaces since 1984. Of this number the greatest growth has been in structure parking which has grown by a total of 93% due primarily to construction west of the Canal. Surface parking also increased east of the Canal by 21% which has also been the prime area for temporary surface parking lots. This growth in the supply of parking in the Central Area has taken place when there has been no growth in employment within this area, due primarily to federal government downsizing. This trend is demonstrated by a reduction in jobs relative to the number of off-street parking spaces from 3.2 to 3.1 between 1989 and 1994. Also within this timeframe the number of personal vehicle trips into the Central Area during the work day rose by only 0.8%. As stated in a "Background Paper on the Central Area", presented as part of the Regional Plan Review, there is now a lot more parking available for people who are choosing to drive downtown.

The chief indicator of need or demand for parking as presented in the 1995 Central Area Parking Study Update is the rate of utilization of the current parking supply. Generally, as the utilization rate increases so does the demand for parking. This study demonstrates that except in a few isolated blocks west of the Canal along Metcalfe Street and east of the Canal along Cumberland Avenue and Parent Street where parking utilization is near or at capacity, there is adequate off-street parking to meet demands on both weekdays and weekend evenings. Also, the total demand for parking across the Central Area is being met, again with the exception of a few isolated locations. However, as these deficient areas are within walking distance of areas with greater parking capacity they are not considered to constitute a need for more parking.

Therefore, generally the parking utilization data available for the Central Area indicates that there is no demonstrated need for additional parking which may be provided by temporary surface parking lots. However, given that this use is discouraged due to its negative impact in the Central Area; that it has a temporary duration of three years; and that the proportion of temporary surface parking to the overall parking supply is small (2.2%), it should not be considered as contributing to the overall parking supply.

#### 4.0 Temporary Surface Parking in Inner City Neighbourhoods

A number of residential neighbourhoods are close to the Central Area and are impacted directly by the predominantly commercial activity located there. The Official Plan recognizes the important relationship between these districts. The Central Area Vision states that, "the residential character of neighbourhoods surrounding and adjacent to the Central Area will be maintained and protected. Centretown's residential contribution to the Central Area's vitality will be optimized, while its livability is enhanced through improvements to its open space and pedestrian environment."

Generally the Secondary Policy Plans that apply to the neighbourhoods within and surrounding the Central Area support alternative modes of transportation over the use of the automobile. For example, the transportation policies of the Sandy Hill neighbourhood plan emphasize public transportation, bicycle and pedestrian networks over the private automobile. This approach is reflected in the policies which address public parking. The Centretown Plan prohibits the establishment of new public parking within the residential neighbourhood while permitting strategically located public parking in areas adjacent to Bank Street and properties now zoned for this purpose. The Lowertown and Sandy Hill West Plans identify limited areas around the edges of the neighbourhood for sensitively integrated short-term public parking facilities integrated within mixed use development to serve adjacent areas.

Presently there is no policy direction which applies to the inner city neighbourhoods with respect to temporary surface parking, however, this use is prohibited by the zoning by-law throughout the area. The previously noted policies concerning public parking give some direction but do not adequately address the nature of temporary surface parking. The Local Architectural Conservation Advisory Committee (LACAC) has expressed concern with the potential negative impacts of this use within residential neighbourhoods outside the Central Area. In response City Council approved a motion of the Planning and Economic Development Committee (PEDC)... "that City Council establish temporary surface parking policies to discourage temporary rezonings for surface parking areas on residential land." This study now provides an opportunity to implement this direction of City Council.

## 5.0 Property Tax Issues Related to Temporary Surface Parking

The issue of property tax assessment with respect to temporary surface parking lots was raised during the discussion of the Terms of Reference for this study at PEDC. Concern was raised with respect to the level of assessment that is applied to this use.

At the present time, the assessed value of a property is based on the development potential and the buildings on the site. For example, owners may request tax relief based on the vacancy or demolition of any buildings on a property. The realty taxes for a parking lot are based on applying a commercial mil rate and are somewhat higher than the realty taxes for a vacant or landscaped lot, which are based on applying the lowest residential mil rate. For a parking lot, the business tax, which was paid by the tenant prior to January of this year, is based on that commercial use, whereas there is no business tax for a vacant or landscaped lot. At the beginning of 1998 both the realty and business taxes were assessed to the property owner who would generally redeem the business tax through the tenant's rent.

Over the past year a number of surface parking lots, including temporary surface lots, were identified as not paying for a business license or taxes. As these properties became vacant, they were assessed as vacant sites and were not identified as a commercial business. That is, unless the Provincial Assessment Office had identified the establishment of the parking lot through its inspection process. The Provincial Assessment Office has since been advised that a commercial use is established on these properties so that a correct commercial levy can be applied. Also, as the business tax is now levied to the property owner it is more likely to be paid as part of the overall assessment.

## 6.0 Duration of Temporary Surface Parking Use

There are thirteen surface parking lots currently with temporary by-law provisions. It is not uncommon for such uses to exist far longer than the three year maximum provided for temporary uses under the Planning Act. This situation occurs because the Planning Act permits consideration of an indefinite number of extensions to the time limit, through subsequent temporary zoning requests. Eight of the thirteen lots have been operating for nine years. The remaining five situations were either recently approved, refused, or are in process. There has been only one instance in the history of this use when a request for a time extension has been refused by the City, although staff have recommended in several cases that the extension be limited to one or two years and not extended beyond that time period. Council has generally permitted the full three year extension.

Of the eight lots in operation, four have been granted at least two extensions. The longest total duration for a parking lot under the temporary use provisions of the by-law is eleven years. The longevity of many of these temporary lots brings into question whether they can be considered as temporary uses or more permanent fixtures. It also raises the issue of whether the long-term objectives of the Official Plan for the Central Area are being undermined by the continuation of such uses.

There are primarily two reasons given by the property owners for the need for time extensions to the original temporary zoning timeframe. The first relates to the inability to develop the site within the temporary zoning timeframe and the second relates to the cost of providing the minimum standard site landscaping that is required through Site Plan Control for the establishment of public parking lots. This later point results in the owners increased financial commitment to the surface parking use which follows from the temporary zoning.

It is fundamental to temporary uses that they end at some point in time. The issue then turns on the question of when to terminate the temporary use. The OMB has referred to the five year review cycle for Official Plans, as an appropriate overall limit for temporary parking facilities. This would also seem to be a reasonable period of time within which to take action to develop a site.

#### Zoning History of Temporary Surface Parking

Site/Zoning Number of Spaces	Request #/date	Time Requested	Time Recomm. by Staff	Time Recomm. by PEDC	Time App'd by Council/ OMB
1. 134 York RO-x-tp (5.0)[36] 30 spaces	first 16/4/96	3 yrs	2 yrs	2 yrs	2 yrs 6/11/96
2. 385 Sussex /90 Parent P-x-tp(2.5)[27] 22-70 spaces	first 7/9/90 second 16/7/96	permanent public parking	3 yrs 3 yrs	3 yrs 3 yrs	3 yrs 3/6/92 3 yrs 18/12/96

Site/Zoning Number of Spaces	Request #/date	Time Requested	Time Recomm. by Staff	Time Recomm. by PEDC	Time App'd by Council/ OMB
3. 246-254 Rideau C2-x- tp(8.0)[47] 22 spaces	first 29/12/88	2 yrs	2 yrs	2 yrs	2 yrs 1/3/89
	second 31/10/90	2.5 yrs	2.5 yrs	2.5 yrs	2.5 yrs 20/2/91
	third 19/8/93	3 yrs	3 yrs	3 yrs	3 yrs 16/2/94
	fourth 24/7/97	3 yrs	Refused	Refused	Refused 3/12/97
	fifth 25/5/99	3 yrs	Applic. in process	Applic. in process	Applic. in process
4. 100-126 Rideau C2-c- tp(8.0)[17] 95 spaces	first 3/11/92	3 yrs	3 yrs	3 yrs	3 yrs 5/3/93
	second 31/8/95	3 yrs	3 yrs	3 yrs	3 yrs 15/4/96
	third 23/2/99	3 yrs	3 yrs	3 yrs	3 yrs 30/6/99
5. 90 Murray BWM-x-tp 40 spaces	first 9/8/85	3 yrs	3 yrs	Refusal	3 yrs 1/4/87
	second 26/7/89	3 yrs	2 yrs	3 yrs	3 yrs 1/5/91
	third 1993	3 yrs	2 yrs	2 yrs	2 yrs 16/6/93
	fourth 14/3/95	3 yrs	1 yr	3 yrs	3 yrs 15/11/95
	fifth 21/10/98	3 yrs	3 yrs	3 yrs	3 yrs 3/3/99
6. 166-184 Bank C2-x-tp[46] 77 spaces	first 25/11/87	3 yrs	3 yrs	3 yrs	3 yrs 7/9/88
	second 17/6/91	3 yrs	3 yrs	3 yrs	3 yrs 4/3/92
	third 2/5/94				3 yrs 1/3/95

Site/Zoning Number of Spaces	Request #/date	Time Requested	Time Recomm. by Staff	Time Recomm. by PEDC	Time App'd by Council/ OMB
7. 186-198 St.Patrick HR-3-x-tp[1] 17 spaces	first 3/7/87 second 26/6/91 third 6/12/94 fourth 5/8/98	3 yrs 3 yrs 3 yrs 3 yrs	2 yrs 1 yr Refusal 3 yrs	2 yrs 1 yr Refusal 3 yrs	2 yrs 20/9/89 1 yr 21/6/95 @OMB- 3 yrs 3 yrs 20/1/99
8. 328 Kent R5-x(2.0)[24] 91 spaces	first 24/11/95	3 yrs	Refusal	Refusal	Refusal 17/4/96 @OMB site developed
9. 227-231 King Edward RO-x(2.0)[31]	first 3/3/93	3 yrs	3 yrs	3 yrs	3 yrs 2/12/94 @ OMB Refused
10. 19-25 Empress R11-x-tp	first 30/3/88 second 26/5/93 third 23/1/95	3 yrs 3 yrs 3 yrs	3 yrs 3 yrs 1 yr	3 yrs 1 yr 1 yr	3 yrs 7/6/90 1 yr 16/2/94 1 yr 18/10/95
11. 112 Waller St./151 Laurier Ave. RO-x- tp(7.0)[28] 170 spaces	first 19/9/89 second 17/6/96	3 yrs 3 yrs	3 yrs 3 yrs	3 yrs 3 yrs	3 yrs 15/9/93 3 yrs 4/12/96

Site/Zoning Number of Spaces	Request #/date	Time Requested	Time Recomm. by Staff	Time Recomm. by PEDC	Time App'd by Council/ OMB
12. 82-88 Metcalfe St. C2-c(8.0)[14] 39 spaces	first 6/10/97	3 yrs	3 yrs	3 yrs	3 yrs 7/7/98
13. 172-182 Sparks St.	first 17/6/96	3 yrs	3 yrs	3 yrs	3 yrs 4/11/97

### 7.0 Long-term/Short-term Parking and Temporary Surface Parking

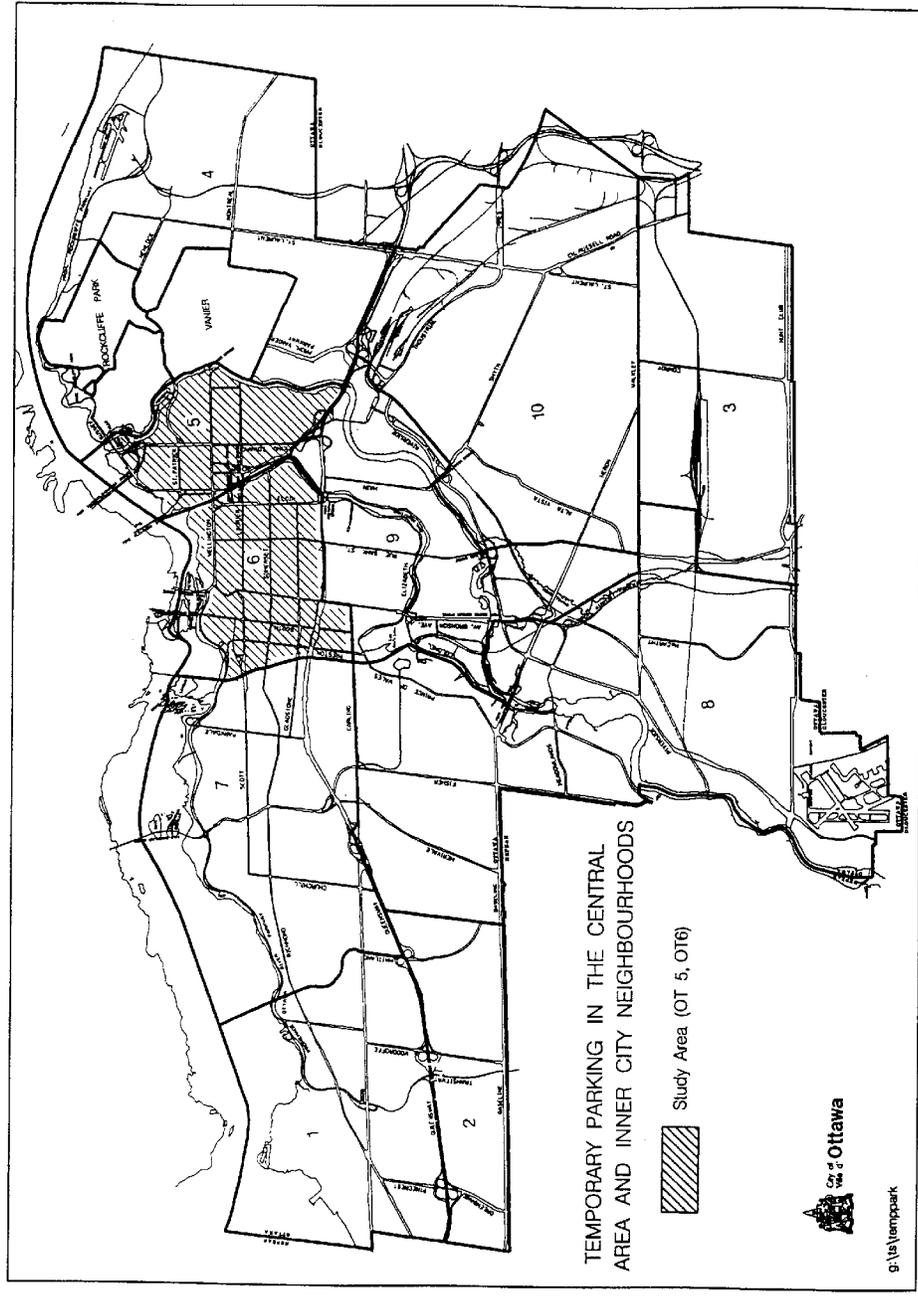
The rationale for recommending temporary parking facilities often involves the assumption that the parking will be geared to providing short-term parking for shoppers and visitors, in support of retail and tourism businesses. Field observation has revealed that the majority of the temporary parking lots are in fact focussed on providing long-term employee parking by the day or month. While the Official Plan does support the provision of short-term parking to meet the needs of the retail business community, it discourages the provision of long-term parking.

The zoning and/or temporary use provisions of the Planning Act do not permit municipalities to regulate parking operations, therefore, zoning cannot contain conditions requiring short-term parking. The Official Plan policy for Transportation in the Central Area states that City Council shall ensure sufficient short-term parking through, among other means, maximizing opportunities for meeting short-term parking needs in the Central Area, including special enabling legislation to allow the City to regulate the amount, rates, hours of operation, signage and other operating features of parking in new development. Such control could also apply to temporary parking facilities, if the request to the province included this use.

However, without the ability presently to control short/long-term parking through the Zoning By-law, it cannot be assumed that temporary parking facilities will assist in meeting short-term demand, therefore, the provision of short-term parking should not be used as a rationale for approving temporary parking.

Survey of Existing Temporary Surface Parking Lots

Site/Zoning Number Spaces (per files)	#Cars	Stack ed	Monthly Spaces/ Rate	Daily Spaces/ Rate	Hourly Spaces/ Rate
1. 90 Parent St. P-x-tp(2.5)[27] 22-70 spaces	120	YES	40/\$97.00	\$5.00, \$3.00 after 5pm & Sat/Sun	None
2. 100-126 Rideau St. C2-c-tp(8.0)[17] 95 spaces	90	NO	45/\$110.00	25/\$8.75, \$5.00 Sun.	25@\$1.25 per 1/2 hr.
3. 90 Murray St. BWM-x-tp 40 spaces	83	YES	/90	43/\$6.00, \$5.50 Early Bird	40@\$1.75 per 1/2 hr.
4. 166-184 Bank St. C2-x-tp[46] 77 spaces	100	YES	40/\$120.00	43/\$6.00, \$3.00 - Evenings	\$2.25 per 1/2 hr.
5. 186-198 St.Patrick St. HR-3-x-tp[1] 17 spaces	46	YES	none	46/\$6.00,	Very few/ \$1.75 per 1/2 hr.
6. 19-25 Empress R11-x-tp	50	NO	Reserved for St. Vincent's Hospital	Reserved	Reserved
7. 112 Waller St. / 151 Laurier Ave. E.	170	NO	\$90	\$6.00, \$3.00 after 4 pm. and Sat./Sun.	\$1.75 per 1/2 hr.



## Consultation Details

Document 5

Notification and consultation procedures carried out with respect to this issue-based study were approved by City Council as part of the terms of reference.

### Supplemental Notification and Consultation

A discussion paper concerning temporary surface parking in the Central Area and inner city neighbourhoods was circulated to a broad range of stakeholders including community associations, business improvement associations, heritage architecture interests, environmental interests, and parking lot operators.

### Environmental Advisory Committee

No comments were received.

### Summary of Public Input

The following comments represent the major points which were stressed by the various stakeholders in this issue:

- Temporary surface parking undermines wise commercial and residential development, and is thus a significant threat to the vitality of commercial activity in, and the heritage character of, Sandy Hill
- It is contrary to the City's policy on automobile use, as pointed out in the discussion paper. The deleterious impact of the automobile on Sandy Hill continues to be a major concern.
- It is being encouraged by the present tax system on property. A change in the tax system is needed which will encourage development of vacant lots and discourage temporary parking lots.
- Between 1985 and 1995, daily commercial parking rates in the Central Area have decreased 20% in real terms and the overall parking supply has increased 45%. This has hurt transit ridership to the Central Area and is felt to have contributed 5 to 10% to the overall ridership decline. We concur with the conclusion in the discussion paper that there is "no demonstrated need for additional parking" in the Central Area at this time.
- The FCA endorses the existing OP policies concerning temporary surface parking since we support the enhancement of the alternatives to the private automobile as required by the policies of the City of Ottawa and RMOC.
- We support the suggestion that the policy re. temporary surface parking be extended to each of the Character Areas and that policies re. temporary surface parking in each of the inner city neighbourhoods be established.
- We recommend that a policy be added to recognize Transportation Demand Management as a preferred solution to parking supply problems.
- The FCA urges the City to apply to the province for enabling legislation to allow the

City to regulate the amount, rates, hour of operation, and other operating features of parking.

- While the supply of parking may be sufficient for the needs of the downtown core on an “area basis”, the By Ward Market has the greatest demand for parking during weekends and weekend evenings. Adding to this is the fact that during the past year, the By Ward Market has lost two large surface lots to development - the lot on Sussex Drive which accommodated 250 vehicles and the lot between Clarence and Murray at Sussex which accommodated 50 vehicles. We will soon see a third lost - the lot between George and York at Sussex which accommodates 85 vehicles. While we are most appreciative of the development, the reality is that we are losing a fair amount of our already limited parking resources within a viable retail/food/entertainment area and major contributor to the local economy.
- A farmer’s market/food retail district has very different needs than that of a pure retail district. While the desire to encourage the public to use alternative modes of transportation is understood, we fear that the undertone of the policy will be too restrictive. This is something that could not be supported by the BIA.
- The very fact that the By Ward Market is a commercial district where 72% of our patrons come by car, clearly indicates that discouraging temporary parking lots by identifying unrealistic criteria/guidelines is not in the Market’s best interests. While we may be able to encourage a portion of these drivers to use public transit, the fact remains that a large percentage of our visitors will still come by car.
- The overall philosophy of the discussion paper is biased toward not permitting surface parking lots in the Central Area. This bias is premised primarily on Policy 5.9.2.2 f) of the Official Plan, and is given preeminence over all other policy thrusts of the Official Plan. In our opinion, the review of temporary surface parking needs to be broadened and more balanced, also considering such factors as:
  - a. the current market;
  - b. overall economic and demographic realities since the Official Plan was written in the late 1980's;
  - c. the policies of other sectors of the Plan, including economic realities; and
  - d. the criteria and basis upon which the request for temporary parking lots can be assessed and, if permitted developed.

#### Staff Response to Comments

- A change in the property tax system did occur this year whereby the complete tax bill will be charged to the property owner rather than dividing it with business tenants. This will make it more likely that taxes relative to parking lots will be paid and the costs to the property owner recouped through the rent they charge. This is irrespective of the business license and taxes which are to be paid directly by the business tenant (ie.

- parking lot operator).
- The policy approach to temporary surface parking in the Central Area is distinguished from other types of parking as one which should be discouraged due to negative impacts on the pedestrian environment and adding to the carbon emissions from automobiles. The Official Plan - Policy Review and Analysis section of the attached discussion paper provides a detailed list of related and supportive policy in other sections of the Plan which are directly related too these salient criteria with respect to this issue.
  - Temporary surface parking represents a relatively minor portion of public parking available in the Central Area (2.2%). Therefore, it does not provide a substantial component of the parking supply. However, as it does detract substantially from the pedestrian environment by attracting private automobiles where it exists, it is not considered to be a legitimate component of the public parking supply in the Central Area and inner city neighbourhoods.
  - As temporary surface parking is not considered to be a legitimate component of the public parking supply it should not be considered to contribute to the economic health of the Central Area. It may, on the contrary, be used as an indicator of economic decline as it reflects a depressed real estate market where properties remain vacant for extended periods with no apparent prospect of development.
  - The policies of the Official Plan were written with an understanding of the deleterious effects of surface public parking on the environment of the Central Area. These policies are more essential to meeting the objectives of the Official Plan during times of economic downturn when more vacant lots are evident and the potential for their impact more imminent.

## Record of Proceedings

### Planning and Economic Development Committee - November 23, 1999

#### Ref #: ACS1999-PW-PLN-0048

Official Plan/Zoning Amendments - Temporary Surface Parking in the Central Area and Inner City Residential Districts

#### **Parties Who Appeared**

No one appeared.

However, the following delegations were present and agreed with deferral of this item:

- Ted Fobert, FoTenn Consultants, 297 Sunnyside Avenue, Tel.: 730-5709.
- Sylvie Grenier, RMOC, 111 Lisgar Street, Tel.: 560-6058, Ext.1597.
- Linda Hoad, Federation of Citizens' Associations, 136 Bayview Road, K1Y 2C6. Tel.: 722-3974.
- J. McGuinty, B.O.M.A., 45 Southpark Drive, K1B 3B8. Tel.: 824-3323.

#### **Written Submissions by Parties**

The Committee received the following:

- Facsimile dated November 19, 1999 from Ted Fobert, Vice-President, Planning & Development, FoTenn Consultants Inc., requesting deferral.
- E-Mail dated November 19, 1999 from Glenn Sheskay, Director, Director, Centretown Citizens' Community Association, requesting deferral.

#### **Finding of Fact and Recommendation by Committee**

The Committee considered the written submissions presented and, on the basis of the report by the Department of Urban Planning and Public Works, the Committee **deferred** the Submission dated Submission dated November 2, 1999 to its meeting of January 11, 2000.



December 3, 1999 (3:30p)

Executive Assistant  
Planning and Economic Development Committee

AML:aml



November 19, 1999

Ms. Anne-Marie Leung, Executive Assistant and  
 Ms. Elisabeth Arnold, Chair  
 Planning & Economic Development Committee  
 City of Ottawa  
 111 Sussex Drive  
 Ottawa, Ontario K1N 5A1

**Re: Proposed Official Plan Amendment  
 Temporary Surface Parking in the Central Area and Inner City Residential Districts  
 Planning & Economic Development Committee Meeting, November 23, 1999**

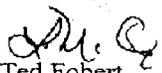
Dear Ms. Leung and Ms. Arnold:

I write to request that the above-noted matter be deferred until January 11, 2000 to allow time for a proper review of the City's staff report.

FoTenn Consultants Inc. has been involved on this matter throughout the study duration, representing Capital Parking Inc. A copy of the City's staff report was only made available to us on Thursday, November 18, 1999 and we have not had adequate time to review the document and prepare thorough comments.

I appreciate your consideration of this matter.

Sincerely,

*ya*  
  
 Ted Fobert MCIP, RPP  
 Vice-President  
 Planning & Development

c.c. John Moser, Director of Planning  
 Tony Kue and Hugh Kennedy, Capital Parking Inc.

c:\doc\capital parking\leungnov19.wpd

297 SUNNYSIDE AVENUE • OTTAWA • CANADA • K1S 0R9 • TEL: (613) 730-5709 • FAX: (613) 730-1136

**Leung, Anne-Marie**

---

**From:** Arnold, Elisabeth (Councillor)  
**Sent:** Friday, November 19, 1999 5:03 PM  
**To:** Moser, John L.  
**Cc:** Leung, Anne-Marie  
**Subject:** FW: Surface Parking in Central Area

For Planning Committee on Tuesday.  
Councillor Arnold

-----  
**From:** Glenn Sheskay[SMTP:SHESKAYG@EM.AGR.CA]  
**Sent:** Friday, November 19, 1999 4:47 PM  
**To:** ArnoldE@city.ottawa.on.ca  
**Cc:** katzj@comnet.ca; ac083@freenet.carleton.ca  
**Subject:** Surface Parking in Central Area

Councillor Arnold:

Further to my conversation with your office of earlier today, I am writing to you to ask that you pass on our request to defer the consideration of a rather voluminous report on temporary surface parking in the central area, which I understand is presently scheduled to be discussed by committee on November 23, 1999.

I received a copy of a package of materials relating to this issue for the first time yesterday. While I appreciate receiving material on behalf of the Centretown Citizens' Community Association, I will not be able to effectively consult our members and allow them any time to formulate a meaningful response.

Please forward this request on to the planner and the committee.

Yours truly,

Glenn Sheskay  
Director, C.C.C.A.

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September 27, 1999

ACS1999-PW-PLN-0113  
(File: OCM3100/1999-001)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT8 - Mooney's Bay

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- City Council / Conseil municipal

Action/Exécution

## **10. Official Plan Amendment - Ottawa Macdonald-Cartier International Airport: Noise Policies**

### **Modification du Plan directeur - Aéroport International Macdonald- Cartier d'Ottawa: politiques sur le bruit**

#### **Recommendation**

That an Amendment to the City of Ottawa Official Plan to add policy direction with respect to airport noise protection and noise sensitive development, and to add revised noise contours and protection zones on Schedule F - Environmental Constraint Areas / Sites, be APPROVED, as detailed in Document 1.

September 28, 1999 (9:04a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

September 28, 1999 (2:02p)

Approved by  
John S. Burke  
Chief Administrative Officer

PPL:ppl

Contact: Pierre Lacroix - 244-5300 ext. 1-3877

#### ***Planning and Economic Development Committee Action - October 26, 1999***

- ▶ *The Committee deferred Submission dated September 27, 1999 for two months, on the following motion:*

*That the item be deferred for a period of two (2) months, to the Planning and Economic Development Committee meeting of January 11, 2000, so that the property owners in question have an opportunity to engage in discussions with the Region of Ottawa-Carleton and the Airport Authority; and,*

*That the report be referred back to staff to work with the Region to attempt to resolve the outstanding issues prior to the Planning and Economic Development Committee January 11, 2000 meeting.*

***Record of Proceedings is attached.***

## **Financial Comment**

N/A.

  
September 27, 1999 (3:42p)

for Mona Monkman  
City Treasurer

BH:cds

## **Executive Report**

### **Reasons Behind Recommendation**

The purpose of the amendment is twofold:

- a) to have regard to the Provincial Policy Statement on Airport noise , as it applies to the Ottawa Macdonald-Cartier International Airport; and,
- b) to bring the City of Ottawa Official Plan into conformity with the new Regional Official Plan policies on Airport Noise.

The amendment recognizes the economic importance of the Ottawa Macdonald-Cartier International Airport, and protects it by limiting or restricting the development of noise sensitive land uses which could impact on its operations.

The amendment also recognizes existing development rights by allowing limited development of noise sensitive land uses within the Airport Operating Influence Zone (AOIZ) where the development meets the requirements of the Regional Official Plan , the City's Official Plan, and the Zoning By-law, and does not require approval by way of a plan of subdivision.

Additionally, an Airport Vicinity Development Zone (AVDZ) has been established. The AVDZ is a way of identifying the areas around the airport where aircraft noise, in addition to other protection requirements for the safe operation of aircraft, are factors that must be considered when developing near the airport.

In accordance with upper tier policy direction, this amendment to the City of Ottawa Official Plan proposes the following:

- a) to add to Chapter 6.0 - Environmental Management, policy direction with respect to Airport Noise;
- b) to identify the various zones related to airport noise on Schedule "F" - Environmental Constraint Areas / Sites; and,
- c) to add to the Definitions section and to make minor modifications relating to the name of the airport in Chapter 4.0 - Economic Development and Employment Areas.

On May 1, 1996, Transport Canada issued its revised noise guidelines on development near airports where new residential development should not be approved above 30 Noise Exposure Forecasts. Transport Canada has carried out assessments which establish a relationship between land use sensitivity to noise and the noise contours.

In February 1997, the Province of Ontario issued an amendment to its Provincial Policy Statement of May 1996 to protect airports from incompatible development and ensure their long term prosperity, following revised federal guidelines related to land use planning near airports. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning. The new Provincial Policy prohibits residential and other noise-sensitive development above the 30 Noise Exposure Forecasts (NEF) and the 30 Noise Exposure Projections (NEP), except in limited circumstances. Specifically, the policy is as follows:

*To protect airports from incompatible development:*

1. *New residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set on maps (as revised from time to time) approved by Transport Canada; but*
2. *Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.*

The new Regional Official Plan, approved by the Ontario Municipal Board in April 1999, also contains policies on Airport Noise and implementation of land use near airports. The Plan includes an Airport Vicinity Development Zone (AVDZ). This zone identifies a constraint area around the airport based on aircraft noise contours and various height limitations and other airport operating requirements described in the Airport Protection Plan. This zone is a constraint zone rather than a no-development zone.

The Plan also includes an Airport Operating Influence Zone (AOIZ). The Airport Operating Influence Zone development policies were formulated to implement the new Provincial Policy Statement relating to development near airports and requirements to address aircraft noise issues.

The City of Ottawa Official Plan contains policies in Chapter 6.0 of Volume I regarding airport noise based on the 1978 provincial reference document *Land Use Planning Near Airports, 1978*. Chapter 6.0 does not contain any of the updated provincial or regional government policies on airport noise and any reference to the 1996 Transport Canada publication. Schedule “F”- Environmental Constraint Areas/Sites, presently shows the NEF (1994) and NEP (2000) contour lines. It has not been updated to show the revised year 2014 NEP contour lines. The Official Plan contains policy for development above 35NEF/NEP only, and does not reflect the new policy of prohibiting residential and other noise sensitive development above the 30 NEF/NEP . The Official Plan also does not contain policy for either the OAOIZ or the AVDZ. This amendment proposes to correct the above-noted deficiencies to the Official Plan and to reflect the Regional Official Plan policies and the Provincial Policy Statement on Airport Noise. The impact of the new policies is on new development and does not affect existing uses.

Based on the above, the amendment proposes to modify Schedule F - Environmental Constraint Areas/Sites of the City of Ottawa Official Plan to show the revised Noise Exposure Forecasts (NEP) contour lines based on the year 2014 forecasts, the composite 25 NEF/NEP, the AOIZ and the AVDZ. The terms “Airport Operating Influence Zone” and “Airport Vicinity Development Zone” will be defined and added to Section 1.7 of the Official Plan. Furthermore, the Provincial Policy Statement and the Regional Official Plan do not permit any development of new residential and other noise-sensitive land uses above the 30 NEF/NEP, and contains policies for both the AOIZ and the AVDZ. These policies will be added to Chapter 6.0 - Environmental Management of the City’s Official Plan.

## Consultation

Notification of a proposed Official Plan amendment and a copy of the draft amendment were circulated to the Ward Councillor, area community associations, the Federation of Community Associations, public bodies, technical agencies, and City Hall Media.

## Disposition

Department of Corporate Services, Statutory Services Branch, to notify Clerk of the Regional Municipality of Ottawa-Carleton of City Council’s decision set out in Recommendation 1.

Office of the City Solicitor to forward required OPA by-law to City Council.

Department of Urban Planning and Public Works, Planning Branch, to:

1. prepare and circulate notice of the Official Plan adoption to those persons and public bodies who requested notification; and
2. submit the Official Plan amendment and the required documentation to the Regional Municipality of Ottawa-Carleton for approval.

### **List of Supporting Documentation**

Document 1    Official Plan Amendment  
Document 2    Consultation Details

**Part II - Supporting Documentation**

Document 1

**Official Plan Amendment ■ Modification du Plan directeur**

**Land use  
Utilisation du sol**



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THE STATEMENT OF COMPONENTS

Part A - THE PREAMBLE, introduces the actual Amendment but does not constitute part of Amendment No. \_\_\_\_\_ to the City of Ottawa Official Plan.

Part B - THE AMENDMENT, consisting of the following text and maps constitute Amendment No. \_\_\_\_\_ to the City of Ottawa Official Plan.

PART A - THE PREAMBLE

1.0 Purpose

The purpose of the amendment is twofold: (1) to have regard to the Provincial Policy Statement on Airport noise , as it applies to the Ottawa Macdonald-Cartier International Airport; and (2) to bring the City of Ottawa Official Plan into conformity with the new Regional Official Plan policies on Airport Noise.

The amendment recognizes the economic importance of the Ottawa Macdonald-Cartier International Airport, and protects it by limiting or restricting the development of noise sensitive land uses which could impact on its operations.

The amendment also recognizes existing development rights by allowing limited development of noise sensitive land uses within the Airport Operating Influence Zone (AOIZ) where the development meets the requirements of the Regional Official Plan , the City's Official Plan, and the Zoning By-law, and does not require approval by way of a plan of subdivision.

Additionally, an Airport Vicinity Development Zone (AVDZ) has been established. The AVDZ is a way of identifying the areas around the airport where aircraft noise, in addition to other protection requirements for the safe operation of aircraft, are factors that must be considered when developing near the airport.

In accordance with upper tier policy direction, this amendment to the City of Ottawa Official Plan proposes to: (1) add to Chapter 6.0 - Environmental Management, policy direction with respect to Airport Noise; and (2) to identify the various zones related to airport noise on Schedule "F" - Environmental Constraint Areas / Sites. Additions to the Definitions section and minor modifications relating to the name of the airport in Chapter 4.0 are also contained in this amendment.

2.0 Location

The lands affected by this amendment are those which contain the Ottawa Macdonald-Cartier International Airport, located south of Hunt Club Road and east of the Rideau River, and those lands which contain the various noise contour lines, the AOIZ and the AVDZ.

### 3.0 Basis

#### 3.1 Background and Context

##### **Provincial Policy Statement**

Transport Canada establishes noise contours around airports to control incompatible development that may adversely affect airport operations and to minimize the amount of aircraft noise experienced by residents of Ottawa-Carleton. These contours consist of short-term Noise Exposure Forecasts (NEF) and longer-term Noise Exposure Projections (NEP). The NEP lines, currently shown on Schedule “F” of the Official Plan were based on projections to the year 2000. Transport Canada has now revised the NEP to reflect projections to the year 2014.

On May 1, 1996, Transport Canada issued its revised noise guideline on development near airports where new residential development should not be approved above 30 NEF. Transport Canada has carried out assessments which establish a relationship between land use sensitivity to noise and the noise contours. The conclusion drawn from the assessment is described in the federal reference document *Land Use in the Vicinity of Airports, 1996, TP-1247*.

In February 1997, the Province of Ontario issued an amendment to its Provincial Policy Statement of May 1996 to protect airports from incompatible development and ensure their long term prosperity, following revised federal guidelines related to land use planning near airports. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning. The new Provincial Policy prohibits residential and other noise-sensitive development above the 30 Noise Exposure Forecasts (NEF) and the 30 Noise Exposure Projections (NEP), except in limited circumstances. Specifically, the policy is as follows:

*To protect airports from incompatible development:*

1. *New residential development and other sensitive land uses will not be permitted in areas near airports above 30 NEF/NEP, as set on maps (as revised from time to time) approved by Transport Canada; but*
2. *Redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses may be considered above 30 NEF/NEP if it has been demonstrated that there will be no negative impacts on the long-term function of the airport.*

**Regional Official Plan**

The new Regional Official Plan, approved by the Ontario Municipal Board in April 1999, contains policies on Airport Noise and implementation of land use near airports. The Plan includes an Airport Vicinity Development Zone (AVDZ). This zone identifies a constraint area around the airport based on aircraft noise contours and various height limitations and other airport operating requirements described in the Airport Protection Plan. This zone is a constraint zone rather than a no-development zone.

The Plan also includes an Airport Operating Influence Zone (AOIZ). The Airport Operating Influence Zone development policies were formulated to implement the new Provincial Policy Statement relating to development near airports and requirements to address aircraft noise issues.

The AOIZ is a zone around the Ottawa Macdonald-Cartier International Airport which encompasses a composite of the 30 NEF/NEP airport noise contours, established as the criteria above which no noise-sensitive development should occur. The AOIZ is generally based on a fixed line following physical features, such as roads, creeks, rail lines, or lot lines, where possible, and provides a greater level of detail on noise policies than the AVDZ.

The principle of the AOIZ is that no noise-sensitive development, including residential development will be permitted within the zone. However, in some cases, such as redevelopment of existing residential and other noise-sensitive land uses and infilling of new residential uses, requirements for noise mitigation will apply. Outside the AOIZ, noise-sensitive development would be permitted between the 25 NEF/NEP and the AOIZ, provided that buildings are designed to meet the indoor aircraft noise criteria outlined in the Ontario Ministry of the Environment document LU131, October 1997, and notification is provided to future occupants of the lands affected by aircraft noise. A noise study could also be required for developments between the 25 NEF/NEP and the AOIZ.

**City Official Plan**

The City of Ottawa Official Plan contains policies in Chapter 6.0 of Volume I regarding airport noise based on the 1978 provincial reference document *Land Use Planning Near Airports, 1978*. Chapter 6.0 does not contain any of the updated provincial or regional government policies on airport noise. Schedule "F"- Environmental Constraint Areas/Sites, presently shows the NEF (1994) and NEP (2000) contour lines. It has not been updated to show the revised year 2014 NEP contour lines, nor the composite 25 NEF/NEP and 30 NEF/NEP. The Official Plan contains policy for development above 35NEF/NEP only, and does not reflect the new policy of prohibiting residential and other noise sensitive development above the 30 NEF/NEP. The Official Plan also does not contain policy for either the OAOIZ or the AVDZ. This Amendment proposes to correct the above-noted deficiencies to the Official Plan and to reflect the Regional Official Plan policies and the Provincial Policy Statement on Airport Noise. The impact of the new policies is on new development and does not affect existing uses.

### 3.2 Contents of the Amendment

The amendment proposes to modify Schedule F - Environmental Constraint Areas/Sites of the City of Ottawa Official Plan to show the new Noise Exposure Forecasts (NEF) contour lines based on the year 2014 forecasts, the AOIZ and the AVDZ. The terms “Airport Operating Influence Zone” and “Airport Vicinity Development Zone” will be defined and added to Section 1.7 of the Official Plan. Furthermore, the Provincial Policy Statement/Regional Official Plan does not permit any development of new residential and other noise-sensitive land uses above the 30 NEF/NEP, and contains policies for both the AOIZ and the AVDZ. These policies will be added to Chapter 6.0 - Environmental Management of the City’s Official Plan.

The Amendment also makes some minor changes of a technical administrative nature to specific portions of the Official Plan. For example, it is necessary to recognize the new name of the airport which is the Ottawa Macdonald-Cartier International Airport. Reference to the Ministry of the Environment in Policy 6.15.2d) must be removed since this Ministry is no longer directly involved with the review of individual noise studies. The responsibility now lies solely with the Ministry of Municipal Affairs. However, Transport Canada and/or the Airport Authority may still be involved in the review of individual noise studies.

While the intent of the Official Plan policies in Section 6.15 of Volume I is still to protect the citizens of Ottawa from airport noise, a new objective is required to reflect the intent of the revised Provincial Policy Statement to protect the Airport and its future operations from incompatible development. The new objective recognizes the economic importance that the Airport represents to the Region. New policies reflected in this Official Plan Amendment aim to protect the Airport by limiting noise sensitive land uses which could impact on its operations by recognizing the Ottawa Airport Operating Influence Zone.

The highlights of the proposed amendment regarding airport noise and airport protection policies consist of the following:

- to establish the AOIZ and the AVDZ;
- to require a noise study or the use of the “Prescribed Measures to Address Airport Noise” document for all development at or above 25 NEF/NEP;
- to allow for residential and other noise sensitive land uses between the OAOIZ and NEF/NEP 35 only in the case of redevelopment of existing residential and other noise-sensitive land uses and infilling of new residential uses, with conditions;
- to not permit residential and other noise-sensitive uses such as hospitals, schools, day care facilities, nursing care facilities and other similar uses above 35 NEF/NEP.

The Official Plan is currently silent on development above 25 NEF/NEP and 30 NEF/NEP. The amendment sets out clear policies for development above the 25 NEF/NEP. In summary, residential development is permitted between the 25 NEF/NEP and the OAOIZ, subject to a noise study being done, or, in lieu of it, the “Prescribed Measures to Address Airport Noise” being met. The prescribed measures include the components of building design necessary to meet the Ministry’s indoor noise criteria for aircraft noise, such as the types of wall and window materials that can be used, and the requirement for a forced air heating system sized to accommodate the installation of a central air conditioning system.

Development of noise sensitive land uses such as homes, schools, and day cares is prohibited between the OAOIZ and the 35 NEF/NEP, except in the case of redevelopment, or residential infilling where the proposal would meet the policies of the Official Plan and Zoning By-law and would not require subdivision approval. A noise study to address noise mitigation measures and airport noise warning clauses registered on title would be required in these situations. The policy recognizes the existing rights of property owners while protecting future inhabitants.

No noise sensitive land uses are permitted above the 35 NEF/NEP except where lots of record exist and no further planning approvals (with the exception of the infill site plan process) are necessary to obtain a building permit. Other forms of development may be considered subject to aircraft noise assessment and the use of acoustical mitigation in building design. At present, the Official Plan noise policies state that only residential uses are not allowed over 35 NEF/NEP.

A reference to the Macdonald-Cartier International Airport Zoning Regulations has also been introduced to the City’s Official Plan through this amendment. The Airport Zoning Regulations are prepared by Transport Canada and limit such things as the heights of buildings which are in line with the approach surfaces of the airport. The reference serves to alert developers to the existence of these additional regulations, which would apply in the Airport Vicinity Development Zone. The regulations are described in the “Airport Protection Plan” document.

## **PART B - THE AMENDMENT**

### 1.0 The Introductory Statement

All of this part of the document entitled "Part B - The Amendment", consisting of the following text and the attached Schedules "B", "B-1", and "B-2" constitute the Amendment to the City of Ottawa Official Plan.

### 2.0 Details of the Amendment

The City of Ottawa Official Plan is hereby amended as follows:

2.1 Schedule "F" - Environmental Constraint Areas/Sites is revised to delete the NEP (2000) contours and to show the new NEP (2014) contour lines, the composite 25 NEF/NEP, the Airport Operating Influence Zone (AOIZ), and the Airport Vicinity Development Zone (AVDZ) as shown more specifically on Schedule "B2" attached hereto.

2.2 Chapter 1.0 - Introduction - of Volume I is amended as follows:

2.2.1 Volume 1, Section 1.7 - Definitions, new definitions entitled "Airport Operating Influence Zone" and "Airport Vicinity Development Zone" are added after "Affordable Housing" as follows:

"The 'Airport Operating Influence Zone' (AOIZ) is an area around the Ottawa Macdonald-Cartier International Airport which was determined by using a composite of the 30 NEF/NEP aircraft noise contours as a basic criteria; but then uses a fixed line which follows physical features such as roads, creeks, rail or lot lines where possible, and whose principle is that noise-sensitive development, including residential, is not permitted within the AOIZ, except under limited circumstances."

"The 'Airport Vicinity Development Zone' (AVDZ) is an area around the Ottawa Macdonald-Cartier International Airport where aircraft noise, in addition to other protection requirements for the safe operation of aircraft, such as airport zoning regulations, are factors that must be considered when developing near the Airport."

2.3 Chapter 4.0 - Economic Development and Employment Areas - of Volume I is amended as follows:

Policy 4.5.2b)ii) is amended by striking out the phrase “Ottawa International Airport” and replacing it with the phrase “Ottawa Macdonald-Cartier International Airport”. It is further amended by striking out the phrase “provincial government policy document entitled *Land Use Planning Near Airports, 1978*, as amended from time to time, published by the Ministry of Municipal Affairs” and replacing it with the phrase “Transport Canada policy document entitled *Land Use in the Vicinity of Airports, 1996, TP1247*”.

2.4 Chapter 6.0 - Environmental Management - of Volume I is amended as follows:

2.4.1 Section 6.15.1 Objectives is amended by adding a new Objective “a)”, entitled “Protect Airport Incompatible Development”, to read as follows:  
 “a) To recognize the economic importance of the Ottawa Macdonald-Cartier International Airport and to provide a degree of protection to the airport from incompatible development.”,

and, that Objectives 6.15.1a) and 6.15.1b) be re-lettered 6.15.1b) and 6.15.1c) respectively.

2.4.2 Policy 6.15.2 a) Airport Noise is amended by deleting the entire second sentence of the paragraph and replacing it with the following text: “The Airport Operating Influence Zone (AOIZ), the Airport Vicinity Development Zone (AVDZ) and the NEF/NEP contours are shown on Schedule F - Environmental Constraint Areas/Sites and this information will be used in conjunction with the policies of this section and other relevant parts of the Official Plan, as the means to ensure land use compatibility with airport operations.”

2.4.3 Policy 6.15.2 b) Provincial Policy is amended by striking out the phrase “Provincial Government, as set out in the publication *Land Use Policy Near Airports, 1978*, as amended from time to time, published by the Ministry of Municipal Affairs” and replacing it with the phrase “Transport Canada publication *Land Use in the Vicinity of Airports, 1996, TP1247*.”

2.4.4 Policy 6.15.2 c) Residential Development Near Airports is deleted in its entirety and replaced with the following new Policy 6.15.2 c) Residential and Noise-Sensitive Development Near Airports:

“City Council, in deciding whether or not a proposed development is permitted:

- i) shall implement the NEF and NEP contour maps approved by Transport Canada or its delegate, in the context of *Land Use in the Vicinity of Airports, 1996*, published by Transport Canada, and *Noise Assessment Criteria in Land Use Planning, October 1997, LU131*, published by the Ministry of the Environment. The applicable NEF/NEP values determined from the NEF/NEP contour maps and the more restrictive of NEF/NEP will apply;
- ii) may require that a noise control feasibility study be prepared for all land use development proposals at or above 25 NEF/NEP. The study will determine whether the proposed location and preliminary design of the development will be compatible with aircraft noise. The study will also include consideration of other sources of noise not contained within the NEF/NEP calculation from aircraft operating on the ground and helicopter noise;
- iii) may require that a detailed noise control study be prepared for all land use development proposals at or above 25 NEF/NEP as a condition of approval of a site plan control application. The purpose of the study is to assess all noise sources affecting the proposed lands and include details of assessment methods, results and recommendations for noise control measures which shall be secured by way of agreement with City Council approval. In lieu of a detailed noise control study an alternative approach to secure indoor aircraft noise attenuation for residential developments between the 25 NEF/NEP and the Airport Operating Influence Zone on Schedule F, is where a list of prescribed measures are included in the components of residential building design and in any ventilation requirements necessary to meet Ministry of the Environment indoor noise criteria for aircraft noise, in the context of *Noise Assessment Criteria in Land Use Planning, 1997*. These noise control measures and the appropriate notice to prospective purchasers and tenants of a possible noise problem, would be secured by way of agreement with City Council approval; and,
- iv) shall require that the development applications comply with the provisions of the *Ottawa International Airport Zoning Regulations* under the *Aeronautics Act*, regarding location and height limits to which objects project into the airspace in the Airport Vicinity Development Zone, and the protection requirements of electronic and telecommunications facilities associated with aircraft operations;

- v) notwithstanding the above, shall not permit any development of residential and other noise-sensitive land uses such as hospitals, schools, day care facilities, nursing care facilities and other similar uses in the Airport Operating Influence Zone shown on Schedule F - Environmental Constraint Areas / Sites above the 35 NEF/NEP; and, shall not permit any development of residential and other noise-sensitive land uses, between the boundaries of the Airport Operating Influence Zone shown on Schedule F - Environmental Constraint Areas / Sites and the 35 NEF/NEP, except in the case of redevelopment of existing residential and other noise-sensitive land uses and infilling of new residential uses, provided that the development proposal:
- a) does not require the approval of a plan of subdivision, or amendment to the zoning by-law or amendment to the Regional or this Official Plan;
  - b) is on a new lot created by severance that is permitted in the zoning by-law existing on 9 July 1997 and is in accordance with all the provisions of this Plan and the Regional Official Plan;
  - c) is on a lot existing and fronting on a public road that is maintained year-round, provided that the lot was created under the Planning Act prior to July 9, 1997, and the use is permitted in the zoning by-law existing on July 9, 1997, and is in accordance with all the provisions of this Plan;
  - d) development meets all noise attenuation requirements, the provisions of the Ottawa International Airport Zoning Regulations and be in accordance with policies of this Plan and the Regional Official Plan.”

2.4.5 Policy 6.15.2d)ii) - Consultation is amended by striking out “and Ministries of Municipal Affairs and the Environment” and replacing it with the phrase “, Ministry of Municipal Affairs and Housing and the Airport Authority or its delegate.”.

2.4.6 Policy 6.15.2e) - Acoustic Design Criteria is amended by adding the phrase “site plan agreements” after the word “condominium” and is further amended by striking out the phrase “the Provincial government as set out in the publication *Land Use Policy Near Airports, 1978*” and by replacing it with the phrase “*Land Use in the Vicinity of Airports, 1996*, as amended from time to time, published by Transport Canada”. The policy is further amended by adding the following phrase at the end of the paragraph: “Appropriate notice to prospective purchasers and tenants of a possible noise problem will be secured by making such notice a requirement through a development agreement.”

### 3.0 Implementation and Interpretation

Implementation and interpretation of this Amendment shall be made having regard to information contained in all chapters of the City of Ottawa Official Plan.









The President of the *Uplands on the Rideau Association* submitted written comments on behalf of twelve property owners along the Rideau River. It is stated that the proposed Official Plan Amendment could impact the properties in question as some properties are not yet developed while others may be redeveloped. As well, the Association did not want the amendment to affect the legal non-conforming uses the residential properties enjoy.

In response to the Association's concerns, the proposed Official Plan Amendment does not change the existing legal non-conforming uses of the properties. However, all of the properties are directly affected by the proposed airport noise policies as they are located within the Ottawa Airport Influence Zone above the 30 NEF/NEP noise contours. This City of Ottawa Official Plan Amendment will implement the airport noise policies already in place in the Regional Official Plan which prohibit infilling of new residential and other noise-sensitive land uses in this zone where an amendment to the local Official Plan or Zoning By-law, approval of a plan of subdivision, or an amendment to the Regional Official Plan would be required.

After consultation with the Region, who is the approval authority for Official Plan Amendments, it has been determined that this proposed amendment to the City's Official Plan would not impact negatively on the 10 properties which are already developed as residential uses. The two vacant properties at 4120D Riverside Drive would however be prevented from any form of development and would require a rezoning and a Regional Official Plan amendment in order for development to proceed.

Although the Regional Official Plan designates the properties "Business Park", Policy 1.6.8 of the Plan states that the Region cannot force uses of land which legally existed on July 9, 1997 into situations of non-conformity by requiring an amendment to the zoning by-law to make it conform with the Plan. Therefore, the recognition of the existing single family dwellings on developed lots would allow all properties at 4120 Riverside Drive, except for the two vacant lots, to redevelop or to infill new residential use.

In all cases, a noise study or the use of the "Prescribed Measures to Address Airport Noise" would be required for any development. These measures include components of residential building design requirements.

## Record of Proceedings

### Planning and Economic Development Committee - October 26, 1999

#### Ref #: ACS1999-PW-PLN-0113

Official Plan Amendment - Ottawa Macdonald-Cartier International Airport: Noise Policies

### **Parties Who Appeared**

#### **Marc Labrosse**

Vice & Hunter

344 Frank Street, Ottawa, Ontario. K2P 0Y1

Mr. Labrosse was present on behalf of Mr. Tom Win, also present. Mr. Win is the owner of two vacant lots on 4120 Riverside Drive, a small strip of properties located below the Hunt Club/Riverside bridge at the end of the airport. In 1993, Mr. Win obtained severance for his properties for a lot that had some buildings, went through a demolition control and obtained a building permit for a lot in the area. The lot was subsequently severed and unfortunately all the residents are in same position, whereby notice of the Regional Official Plan and zoning by-law, did not make it to them. The affects of the zoning resulted in the properties zoned ES, (environmentally sensitive), now proposed to be changed to Water Corridor. This has not changed the fact that although they have a building permit they obviously have large obstacles facing development of the vacant lots. The Committee is asked to defer the matter, or the plan, but if not defer it with respect to his client's properties to allow them to approach the Region and the Airport Authority to try to reach some kind of compromise for the properties who were in a position to be developed two years ago and now must overcome some serious obstacles to obtain this goal, and to have the City Official Plan as a further obstacle only increases the costs for his client to continue with his development plans. In that respect, he asked the matter be granted a delay of approximately two months to allow them to approach the Airport Authority and the Region (he noted the Regional Councillor and Planner were present today). His firm has been retained to deal with the matter and asked that a little time be given to these properties, euchred out of continuing with their plans based on what has been transpiring over the last two years.

#### **Ladas Giriunas**

413-35 Murray, Ottawa, Ontario. K1N 9M5

Mr. Giriunas is one of the 12 property owners located at 4120 Riverside Drive. He bought the property at 4120L in September, 1997, with the intention of building a retirement home for he and his wife in 2-3 years time. At the time, he verified with the city's zoning department that there were no restrictions to development, and he could obtain a building permit under Zoning By-law Z2-K. There was an existing structure demolished by the previous owner in June, 1997. Since purchasing, they began preparing the property, clearing

brush, planting 50 trees and commissioning 2 surveys to prepare for the building permit application. This July the community became aware of the new ES zoning (By-law 93-98) applicable to the area enacted in May, 1998. Upon enquiring, he was informed by the City's Planning Branch that he would have to apply to the Committee of Adjustment for a minor variance or an amendment to the Zoning By-law in order to obtain a building permit. Subsequently, another restriction was imposed - the Official Plan Amendment with regard to noise, which states that any new development in the area was not permitted, but does permit buildings legally in existence at the time of the adoption of the Plan, July 9, 1997. In conclusion, he was seeking a solution to this dilemma. He purchased the property at considerable expense and, in good faith, with plans to build a retirement home next year within Ottawa city limits. He sought the Committee's support for either an exemption or some other solution for property owners such as himself who have not yet begun development, but who have the intention to do so in the very near future.

### **Nicholas Patterson**

Mr. Patterson stated that everyone agrees that it is generally a good idea, no one wants new houses built under the nose of the airport. But, how is this achieved without screwing a number of people by depriving them of their rights or the expectation of their rights. In this case, the city has failed in protecting these people. It would be a travesty to allow this to go forward. Anyone with any sense of decency or justice will know which way to proceed on this one. As Mr. Giriunas stated, he bought a small property. He took every reasonable precaution, made every reasonable enquiry, anyone of a prudent character would make before buying this kind of property. He found his rights were chipped away and lost more rights. Finally, he found that yesterday (also true of Mr. Labrosse) he could have built a couple of houses on the two little lots. Today he no longer can. This was all without any notice of the hearing of May, 1998. He was financially destroyed overnight without his knowledge.

### **Wendy Stewart, Regional Councillor**

Ms. Stewart commenced by stating she strongly support the policy in the Regional Official Plan. However, she found herself in the awkward position of agreeing with many of the sentiments of the previous speaker. Both levels of government work very hard to do the right thing for the right reasons and could probably prevent the two property owners from building where they have very fairly planned to build. She was not convinced this would solve any problems. But, should they be stopped? She did not believe there would be any long term risks to the 24-hour operations of the airport with 2 more homes in the area where there is currently a community of 12, who for some reason are living with a tremendous amount of airport noise. They knew about this before going in. There are no complaints to her office. Unquestionably they can meet any of the environmental constraints required to build in the area so there would no impact on the Rideau or the flood plain because there is the technology to build. In fact, this building, part of which is actually built in the Rideau River is an excellent example of how we can mitigate the impacts of development. She spoke to Paul Benoit at the airport last week on the issue. It is reasonable to recommend a delay until the City can investigate with the Region and Airport Authority a way to exempt these

properties to give them a little bit of consideration to follow their dreams and build their homes, provided we can ensure the airport's noise policies are protected.

She was prepared to bring the item to Regional Committee and Council to change the Regional Official Plan to permit these properties to be developed, which she considered reasonable.

### **Written Submissions by Parties**

The following written submissions were received:

- Letter to John L. Moser, Director of Planning, dated October 21, 1999, from Ladas Giriunas, 413-35 Murray Street, Ottawa K1N 9M5
- Letter to Donna Allen (also a distribution list), President, Uplands on the Rideau Association, dated October 15, 1999, from John L. Moser, Director of Planning
- Letter to Ladas Giriunas dated July 16, 1999, from Eric Knight, Development Information Officer, Planning Branch
- Letter to Development Information Section, Department of Urban Planning and Public Works dated July 8, 1999, from Ladas Giriunas

### **Finding of Fact and Recommendation by Committee**

The Committee considered the oral submissions presented and, on the basis of the report by the Department of Urban Planning and Public Works, the Committee **deferred** the Submission dated September 27, 1999 for two months, on the following motion:

That the item be deferred for a period of two (2) months, to the Planning and Economic Development Committee meeting of January 11, 2000, so that the property owners in question have an opportunity to engage in discussions with the Region of Ottawa-Carleton and the Airport Authority; and,

That the report be referred back to staff to work with the Region to attempt to resolve the outstanding issues prior to the Planning and Economic Development Committee January 11, 2000 meeting.



Executive Assistant  
Planning and Economic Development Committee

413-35 Murray  
Ottawa, ON K1N 9M5

October 21, 1999

John L. Moser  
Director of Planning  
Department of Urban Planning and Public Works  
City of Ottawa  
111 Sussex Drive  
Ottawa, ON K1N 5A1

**RE: 4120L Riverside Drive**

Dear Mr. Moser:

I am writing with reference to your letter of October 15, 1999 to Ms. Donna Allen regarding the Bylaws Nos. 293-93 and 93-98 - Zoning Status of 4120 Riverside Drive.

I am the current owner of the property at 4120L Riverside Drive. I purchased this vacant lot in September 1997 with the intention of building a private home in a few years. Existing structure(s) on this property were demolished by the previous owner during the summer of that year.

Because of the enactment of the new ES zoning by-law in May 1998, I wrote to the City seeking advice on how to proceed with obtaining permission to build a private home. In his reply (see attached), Eric Knight of the City Planning Branch, indicated that in order to proceed, I must make an application to the Committee of Adjustment for a minor variance or apply for an amendment to the zoning by-law to permit the use of the single family dwelling in this zone designation. Since my intention is to begin construction in the spring of 2000, I began the process this fall with the commissioning of two engineering surveys in preparation for submission of the septic system design and of the application for the Conservation Authorities Act to the Rideau Valley Authority. This is the recommended first step prior to seeking the minor variance adjustment.

However, in the recent notice regarding the new Official Plan Amendment regarding Airport Noise, it states that any new development in the AOIZ area is not permitted but does permit buildings that legally existed on the date of the adoption of the Plan (July 9, 1997). Since this does not apply in my case (nor as well in the case of 4120D), the effect of these amendments is to render the property essentially worthless.

This is, of course, of great concern to me. I purchased the property at considerable expense and in good faith with plans to build a retirement home within the Ottawa City limits. At the time of purchase, I verified with the City Zoning department that there were

no restrictions on obtaining a building permit. Therefore, I am seeking your support, and the support from all of the relevant authorities, to add an exemption to these amendments for existing property owners such as myself who have not yet begun development but who have the intention to do so in the very near future.

Currently 10 of the 12 properties at 4120 Riverside Drive have single family dwellings and are not affected by these amendments. Up to 14 structures are permitted in the Zoning By-Law Z-2K. It would seem logical that the same legitimate rights and privileges apply in my case as they do to the other property owners regardless of the recent amendments. Development of this vacant property would not be of any practical consequence to the overall objectives of the Regional Plan or Airport Authority.

In the last Section, under Proposed Action, you have stated that the Planning Branch will propose a zoning amendment to restore existing houses as a permitted use. Could this proposal include a clause to allow an existing owner to develop a currently vacant property? I assume this would require the consent of the Regional and Airport authorities.

I will be attending the hearing scheduled on October 26 to have my case presented and to obtain a solution to this problem. I have the full support of the President of our Association and of all the property owners at 4120 Riverside Drive.

I would be very grateful for any assistance and advice that you could provide.

Sincerely,



Ladas Giriunas

Tel: 241-4227 (home)  
734-6293 (office)

- c.c. Jim Bickford, Councillor, Mooney's Bay Ward
- c.c. Donna Allen, President, Uplands on the Rideau Association.
- c.c. Nigel Brereton, Planning and Development Approvals Department, Regional Municipality of Ottawa-Carleton
- c.c. Wendy Stewart, Regional Councillor, River - R16
- c.c. Anne-Marie Leung, A.M.C.T., Executive Assistant, Planning and Economic Development Committee
- c.c. Bob Spicer, Project Manager, Hunt Club Neighbourhood Plan



October 15, 1999

99-0441  
OSP1100/0100  
LBI1993/293

Ms. Donna Allen  
President  
Uplands on the Rideau Association  
4120C Riverside Drive  
Ottawa, Ontario  
K1V 1C4

Dear Ms. Allen:

**Subject: Bylaw Nos. 293-93 and 93-98 - Zoning Status of 4120 Riverside Drive**

Thank you for your two letters in which you raise concerns over the zoning status on the residential properties along the Rideau River, known municipally as 4120A-L Riverside Drive, as well as the impact of the proposed Official Plan Amendment regarding airport noise.

Notification

- As By-law 93-98 was a zoning amendment which potentially affected all lands in the city, it was determined that notice to each and every individual land owner would be cumbersome and costly, and that a city-wide newspaper notice would be acceptable.
- The City followed the provisions of the Planning Act, specifically Section 34(20), which allows notice by newspaper advertisement.
- For the properties in question, the zoning was changed to remove the exception permitting detached houses by means of a Councillor's motion, which was made at Planning and Economic Development Committee (PEDC) during the deliberation process on the new Zoning By-law.
- This specific motion was incorporated into the overall approval of Zoning By-law.

Department of Urban Planning and Public Works  
111 Sussex Drive, Ottawa, Ontario K1N 5A1  
Tel.: (813) 244-5300, ext. 1-3880  
Fax: (813) 244-5474  
<http://www.city.ottawa.on.ca>  
E-mail: [up&pw@city.ottawa.on.ca](mailto:up&pw@city.ottawa.on.ca)

Service de l'urbanisme et des travaux publics  
111, promenade Sussex, Ottawa (Ontario) K1N 5A1  
Tél. : (813) 244-5300, poste 1-3880  
Télééc. : (813) 244-5474  
<http://www.ville.ottawa.on.ca>  
C. élec. : [lup&pw@city.ottawa.on.ca](mailto:lup&pw@city.ottawa.on.ca)

### Zoning Status

- All of the properties are currently zoned ES- Environmentally Sensitive Area in the new Zoning By-law, 1998 (By-law 93-98).
- Detached houses are not a permitted use in this zone. However, the uses (i.e., the existing houses) may enjoy non-conforming rights to remain. Under the Planning Act, the ES zoning would not apply to prevent any uses lawfully in existence on the date of the passage of the ES zoning.
- Another issue raised in your letters was that the affected properties were in a sub-area 3 zone, but there is no explanation of an ES3 zone in the Zoning By-law. "Sub-area 3" is simply a geographic sub-area of one of the Neighbourhood Monitoring Area zoning maps in which the various zones in the sub-area are illustrated. These sub-areas are not zoning categories in themselves.

### Official Plan Amendment on Airport Noise

- The proposed Official Plan Amendment (OPA) concerning airport noise previously circulated to you will not change the existing non-conforming status of the properties.
- All of the properties are directly affected by the proposed airport noise policies as they are located within the Ottawa Airport Influence Zone (OAIZ) above the 30 NEF/NEP noise contours.
- The OPA will implement the airport noise policies already in place in the Regional Official Plan, which prohibit infilling or redevelopment of new residential and other noise-sensitive land uses in the OAIZ where an amendment to the local Official Plan or Zoning By-law or approval of a plan of subdivision would be required.
- Notwithstanding this policy, the Regional Municipality of Ottawa-Carleton advised that the Regional Official Plan *does permit buildings that legally existed on the date of the adoption of the Plan* (July 9, 1997).

### Proposed Action

- The Planning Branch will propose a zoning amendment to restore the existing houses as a permitted use on the basis that:
  - It will conform to the Regional Official Plan Airport noise policies outlined above.
  - The properties are no longer considered to be an Environmentally Sensitive Area.
- The proposed zoning amendment will be included as part of the Hunt Club Neighbourhood Plan study, targeted for approval by City Council in January 2000
- This study has determined that the City of Ottawa Official Plan designation of the properties should be changed from the existing Environmentally Sensitive Area (ESA) to Waterway Corridor because the manicured landscaped yards do not meet the criteria established for ESAs by the Natural and Open Spaces Study (NOSS).
- The zoning is proposed to be changed from ES-Environmentally Sensitive Area to EW-Waterway Corridor. An exception, will recognize the existing houses as permitted uses. Additions to or replacement of the existing houses will be permitted

by the exception up to the maximum gross floor area previously established in Zoning By-law Z-2K.

- All development would be subject to a noise study or the use of the “Prescribed Measures to Address Airport Noise”. These measures include components of residential building design requirements.
- Your community association and the property owners receiving a copy of this letter will be added to the mailing list for the Hunt Club Neighbourhood Plan study and will receive a copy of the staff report, including the proposed Official Plan Amendment and zoning recommendations, as well as the date on which the report will be dealt with by PEDC.

If you have further questions on this matter, please contact Mr. Bob Spicer, project manager for the Hunt Club Neighbourhood Plan study, at 244-5300, x3858.

Yours truly,



John L. Moser  
Director of Planning

RS:rs

Distribution List

Councillor Jim Bickford  
Mooney's Bay Ward

John Logan/Adelle Forth  
4120A Riverside Drive  
Ottawa, Ontario  
K1V 1C4

Tom Wynn  
894 Boyd Avenue  
Ottawa, Ontario  
K2A 2E3

Vali Ashoori  
644 O'Connor Street  
Ottawa, Ontario  
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Nixon William Scharfe  
1534 Botsford Street  
Ottawa, Ontario  
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Ross Robert Fumerton  
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Ottawa, Ontario  
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Orville Greg Carter  
4201I Riverside Drive  
Ottawa, Ontario  
K1V 1C4

Nigel Brereton  
Planning and Development Approvals Department  
Regional Municipality of Ottawa-Carleton

Patrick McKay  
4201B Riverside Drive  
Ottawa, Ontario  
K1V 1C4

Hanes D. Lyall (1983) Ltd.  
c/o 894 Boyd Avenue  
Ottawa, Ontario  
K2A 2E3

Lloyd Cecil Connelly  
c/o Connelly Properties  
205-2487 Kaladar Avenue  
Ottawa, Ontario  
K1V 8B9

Marius Ladas Girunas  
413-35 Murray Street  
Ottawa, Ontario  
K1N 9M5

Louise and Steve Kuchta  
4120K Riverside Drive  
Ottawa, Ontario  
K1V 1C4



July 16, 1999

OZI4860/Rivi 4120L  
TD99-0359

Ladas Giriunas  
413 - 35 Murray Street  
Ottawa, Ontario  
K1N 9M5

Dear Mr. Giriunas:

**Subject: 4120L Riverside Drive, Ottawa  
Receipt Number 1055750**

This will acknowledge receipt of your letter dated July 8, 1999, with attached cheque, requesting confirmation with respect to the construction of a detached house at the above-mentioned location.

We wish to advise that this property is presently subject to the provisions of Zoning By-law 1998, in a zone designated as ES. Zoning By-law 1998 was approved by City Council on May 20, 1998 and is presently awaiting disposition of the Ontario Municipal Board. The last zone designation to have received approval is P-x[86] under the provisions of Zoning By-law Z-2K, as amended. In a case where there is a pending zone and an approved zone applicable to a property, the use must be permitted in both zones and the most restrictive performance standards of these zones shall apply.

In accordance with the provisions of Zoning By-law 1998, Sections 589 and 590 states that no uses and no buildings are permitted in the ES zone. In accordance with the provisions of Section 5 of this by-law, if a building housing a non-conforming use is damaged or demolished, the non-conforming right is not extinguished if, (a) the damage or demolition was accidental; (b) the building is repaired and re-occupied before the expiry of one year; and (c) the building continues to be used for the same purpose after it is repaired as it was used before it was damaged or demolished. A search of department records revealed that a demolition permit was issued for this property on February 11, 1997. As such, the one year expiry date has been exceeded and the non-conforming right has been extinguished.

Department of Urban Planning and Public Works  
111 Sussex Drive, Ottawa, Ontario K1N 5A1  
Tel.: (613) 244-5300, ext. 1-3900  
Fax: (613) 244-5620  
Web Site: <http://city.ottawa.on.ca>  
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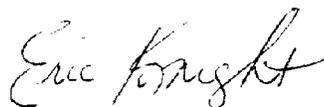
Service de l'urbanisme et des travaux publics  
111, promenade Sussex Ottawa (Ontario) K1N 5A1  
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Site Web : <http://ville.ottawa.on.ca>  
C. élec. : [info@city.ottawa.on.ca](mailto:info@city.ottawa.on.ca)

However, you may make an application to the Committee of Adjustment for a minor variance to seek relief from this provision in order to reconstruct a single family dwelling at this location. You may also apply for an amendment to the zoning by-law to permit the use of the single family dwelling in this zone designation.

Under the provisions of Zoning By-law Z-2K, as amended, a single family dwelling is permitted provided that the dwelling unit located on the lot known municipally as 4120-L Riverside Drive may be built to a gross floor area of not more than 372 square metres, and that there are not more than 14 dwelling units in the P-x[86] zone.

We trust this information is of assistance to you and wish to emphasize that our response was formulated based on the information you provided to us. Should circumstances change, or you require further information, please contact the undersigned at 244-5300, ext. 1-3900.

Yours truly,



Eric Knight  
Development Information Officer  
Planning Branch

EK

413-35 Murray St.  
Ottawa, ON K1N 9M5

July 8, 1999

Development Information Section  
Urban Planning & Public Works  
City of Ottawa  
First Level, Rideau Pavilion  
111 Sussex Drive  
Ottawa, ON K1N 5A1

**RE: 4120L Riverside Drive**

Dear Sir:

I am writing with reference to the lot located at 4120L Riverside Drive. I purchased this vacant lot in September, 1997 with the intention of building a private home in a future year.

During my visit to Planning Department at City Hall today I was informed that a new ES zoning by-law has been in force in this area since May 1998. An older by-law, P-X86, also applicable to this area, states that up to 14 residential units are permissible in the community (Lot 6, Concession 1). This latter restriction is not of concern at this time. However, the new by-law apparently restricts any new development.

My intention is to begin construction of a private home in the summer of 2000 on this lot. Please advise how I should proceed to obtain a waiver to the ES by-law for this purpose.

Thank-you for your consideration of this matter.

Sincerely,



Ladas Giriunas

Tel: 241-4227 (home)  
734-6293 (office)



December 13, 1999

ACS1999-PW-PLN-0106  
(File: OSP1999/034)

Department of Urban Planning and Public  
Works

Ward/Quartier  
OT5 - Bruyère-Strathcona

- Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
- Action/Exécution

## 11. Site Plan Control Application - 385-391 Rideau Street Plan d'emplacement - 385-391, rue Rideau

### Recommendations

1. That this SITE PLAN CONTROL Application (OSP1999/034) be **APPROVED**,  
subject to the conditions contained in Document 1 and as shown on the following plans:

**"Site Plan - Rideau Seniors' Residence, 385-391 Rideau Street, Drawing Number A-1"**, prepared by George Nichols Architect Inc., dated May 1999, revised December 7, 1999, and dated as received by the City of Ottawa on December 8, 1999;

**"Landscape Plan - Rideau Seniors' Residence, 385-391 Rideau Street, Drawing Number L-1"**, prepared by James B. Lennox, Landscape Architect, dated May 1999, revised December 7, 1999, and dated as received by the City of Ottawa on December 8, 1999;

2. That the Site Plan approval shall not come into effect until the Committee of Adjustment decision of November 26, 1999, is final and binding.

December 14, 1999 (2:16p)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

GH:gh

Contact Gordon Harrison - 244-5300 ext. 1-3868

December 15, 1999 (8:58a)

Approved by  
John S. Burke  
Chief Administrative Officer

## Financial Comment

Subject to City Council approval, the required financial security will be retained by the City Treasurer until advised that all conditions have been met and the security is to be released.

  
December 14, 1999 (1:37p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendations

This Site Plan Control application is to construct a two-phase retirement home at the northwest corner of Rideau Street and Friel Street. The site presently contains a parking lot and three townhouses fronting Friel Street which will be demolished.

It is proposed that a portion of the existing Rideau Street public library lands to the west of the site be sold to the applicant in order to facilitate this development. Phase 1, which constitutes this approval, includes:

- a six-storey building fronting Rideau Street and extending to eight storeys along the rear property line,
- 127 rooms, a communal dining room, chapel, as well as related amenity areas, such as a beauty salon etc.,
- a new glazed entrance linking the retirement home with the library (the existing library entrance will continue to serve as the principal entrance to this public facility),
- an outdoor courtyard between the two buildings, and
- two levels of below-grade parking (37 spaces), and temporary (until the Phase 2 addition is constructed) surface parking (16 spaces) located at the rear of the library.

Phase 2 consists of an eight-storey addition to the main building that will also be attached to the rear of the library building. At this time, the outdoor courtyard may become enclosed. The total number of rooms within the facility at completion will be 170 rooms. The total gross floor area of the project at completion will be 8 813.4 square metres. Phase 2 will be subject to revised Site Plan Control approval.

On November 26, 1999, the Committee of Adjustment approved a minor variance application for this project that included an increase in building height, an increase in gross floor area, permission to use part of the ground floor for a retirement home and limited commercial activity, a reduction in the building setbacks above the third floor, and a reduction in the landscaped area abutting the property lines.

#### Recommendation 1

The Department is recommending **APPROVAL** of the application for the following reasons:

- The proposal represents good and appropriate development.
- The proposal conforms with policies within the Official Plan as they pertain to Neighbourhood Linear Commercial Areas.
- The development meets the objectives of the Official Plan that speak to revitalizing and promoting Rideau Street, as designated on Schedule B - Central Area Character Areas and Theme Streets, as a vital part of the Central Business District, with a mix of commercial and residential uses which focus on a historical, pedestrian-oriented shopping street. The building includes the establishment of a future retail operation(s) at the ground floor level with a visible entrance(s) and windows, as opposed to blank walls, thus promoting a more “people-friendly” environment.
- The landscape plan includes an approximate 3.0 metre wide continuous soft landscaped strip along the building wall (within the boulevard) fronting Friel Street that will provide “greening” along this edge of the development. The applicant also proposes new street trees within the Friel Street boulevard thereby adding to the “greening” effect.
- The outdoor courtyard contains both hard and soft landscaping. The hard surface area will contain raised planters and areas for seating. Additional usable outdoor space is provided on a deck at the second level overlooking the courtyard.
- All parking is provided in accordance with the Zoning By-law.

#### Recommendation 2

This condition is contained within this report as the submission is preceding to Planning and Economic Development Committee before the final approval of the Committee of Adjustment application has been received.

## Economic Impact Statement

### FISCAL/ECONOMIC IMPACT STATEMENT

385 - 391 Rideau St		<b>Est Investment:</b> \$2,604,457	
CITY COSTS:	1999	2000-2008 *	
Extraordinary Costs	\$0	\$0	
Admin & Services	\$422	\$2,582	
Inspection & Control	\$506	\$3,095	
Roadways, parking	\$4,814	\$29,460	
Garbage & Storm Sewer Maint.	\$445	\$2,722	
Social & Family Services	\$98	\$600	
Rec & Culture	\$949	\$5,807	
Planning & Development	\$383	\$2,345	
	Sub-total	\$7,617	\$46,612
CITY REVENUES:			
Property Tax	\$7,130	\$43,627	
Building Permit	\$26,045	\$0	
Tax from Indirect Impacts	\$3,643	\$9,305	
	Sub-total	\$36,818	\$52,932
	NET TO CITY	\$29,200	\$6,320
EMPLOYMENT			
New Jobs (excl. construction)	n/a	10	
Net New Jobs (construction) **	n/a	21	
New Jobs (indirect/induced)	n/a	18	
	Total	n/a	49

\* Present value at a discount rate of 8.5%

\*\* After excess capacity has been absorbed

## Environmental Impact

The Municipal Environmental Evaluation Process Checklist (MEEP) was completed and indicates no adverse environmental impacts were identified.

## Consultation

Three comments in support of the application were received as a result of the posting of the on-site information sign and the distribution of a letter to affected community groups.

## **Disposition**

Department of Urban Planning and Public Works to notify the applicant (129319 Canada Inc., In Trust and 969276 Ontario Inc., c/o of agent ) and agent (George Nichols Architect Inc., 260 Hearst Way, Suite 508, Kanata Ontario, K2L 3H1) and all interested parties of Planning and Economic Development Committee's decision.

Office of the City Solicitor to prepare the Site Plan Control agreement.

## **List of Supporting Documentation**

- |            |  |
|------------|--|
| Document 1 | Conditions for Site Plan Control Approval  |
| Document 2 | Site Plan  |
| Document 3 | Landscape Plan   |
| Document 4 | Municipal Environmental Evaluation Process Checklist (on file with the City Clerk) |
| Document 5 | Consultation Details   |

## **Part II - Supporting Documentation**

Document 1

### **PART I - CONDITIONS TO BE SATISFIED PRIOR TO THE EXECUTION OF THE REQUIRED LETTER OF UNDERTAKING**

#### **STANDARD CONDITIONS**

##### **STC 1.2.1 - Landscape Elements Estimate by Landscape Architect**

The Owner(s) must provide a detailed itemized estimate prepared by a Landscape Architect, of the value of all required landscaping, in accordance with the Canadian Nurseries Association, to the satisfaction of the Commissioner of Urban Planning and Public Works. (Contact Gordon Harrison, 244-5300, ext. 1-3868, Planning Branch)

##### **STC 1.3 - Posting of Financial Securities for Landscape Elements**

The Owner(s) must post Security in the amount of 100% of the value of the landscape elements as identified in the detailed itemized estimate, including estimates for new landscape elements on private and municipal and/or regional property, which shall be retained in the custody of the City Treasurer, (no security will be taken for existing municipal and regional road allowance trees because they are already protected by the Trees By-law (By-law Number 55-93, as amended) and the Road Cut By-law (By-law Number 31-91 as amended). For the purposes of this condition, Security means cash, certified cheque, or subject to the approval of the City Treasurer, bearer bonds of the Government of Canada (except Savings Bonds), Provincial bonds or provincial guaranteed bonds, or other municipal bonds provided that the interest coupons are attached to all bonds, or letters of credit, with an automatic renewal clause, issued by a chartered bank, credit unions and caisse populaires, trust companies or some other form of financial security (including Performance Bonds from institutions acceptable to the City Treasurer). (Contact Gordon Harrison, 244-5300, ext. 1-3868, Planning Branch)

##### **STC 1.4 - Compensation for Removal of Municipal Tree(s)**

The Owner(s) must provide compensation in the amount of \$1,128.00 to the Department of Urban Planning and Public Works, in accordance with Section 13 of the Trees By-law (By-law Number 55-93, as amended), and the Road Cut By-law (By-law Number 31-91, as amended) before approval is given for the removal of the 50 cm Manitoba Maple tree on Friel Street. (Contact John Honshorst, 244-5300, ext. 1-3763, Operations Branch)

## **PART 2 - CONDITIONS TO BE INCLUDED IN THE REQUIRED SITE PLAN CONTROL AGREEMENT**

### **SPECIFIC CONDITIONS**

1. The Owner(s) acknowledges and agrees that the City shall hold in its possession landscaping security until completion of the works in accordance with the approved plan(s) to the satisfaction of the City. The Owner(s) hereby covenants and agrees:
  - (i) that it shall be responsible to arrange for the transfer or replacement of landscaping security provided to the City prior to the sale or transfer of the Owner's lands, and
  - (ii) that if the landscaping security has not been replaced prior to the sale or transfer of the Owner's lands, the new registered owner(s) may utilize the security for any works as approved by the City which have not been completed pursuant to the Plan(s), and for this purpose, the City Treasurer is hereby authorized to call in Letters of Credit or other security provided. The balance of security held, if any, will be refunded to the Owner(s) who provided the security, upon completion of the works to the satisfaction of the City.

### **STANDARD CONDITIONS**

#### **STC 2.1 - Installation and Planting of Landscape Elements**

The Owner(s) shall install and plant all landscape elements in accordance with the Site Plan Control Approval, within one year from the date of occupancy, to the satisfaction of the Commissioner of Urban Planning and Public Works. The landscape elements shall include but not be limited to, all vegetation and topographic treatment, walls, fences, hard and soft surface materials, lighting, site furniture, free-standing ground-supported signs, steps, lamps, and play equipment, information kiosks and bulletin boards and other ground cover and new tree(s) and shrubs located on the road allowance.

#### **STC 2.2 - Reinstatement of Damaged City Property, Including Sidewalks and Curbs**

The Owner(s) shall reinstate to the satisfaction of the Commissioner of Urban Planning and Public Works, any property of the City or Regional Municipality of Ottawa-Carleton, including sidewalks and curbs, that is damaged as a result of the subject development. This reinstatement shall be at the expense of the Owner(s). (Contact Bruce Coombe, 244-5300, ext. 1-3461, Engineering Branch)

#### **STC 2.9 - Release of Financial Securities for Landscape Elements**

When requested by the Owner(s), the Security shall be released by the City Treasurer when authorized by the Commissioner of Urban Planning and Public Works according to City Council policy, provided that the landscape elements have been installed and planted in accordance with the Site Plan Control Approval, and that all plant materials are in good and healthy condition. (Contact Gordon Harrison, 244-5300, ext. 1-3868, Planning Branch,

and/or where there are landscape elements on the road allowance, John Honshorst, 244-5300, ext. 1-3763, Operations Branch.)

### **STC 2.16.2 - Release of Site Plan Control Agreement for Non-residential or Mixed Use Developments**

The City may release the Owner(s) from any agreement required as a condition of this Site Plan Control Approval once all terms of the agreement have been completed but not earlier than five years after the date of release of all financial securities required as a condition of this Approval. The Owner(s) shall pay all costs associated with the application for and registration of release from this agreement. (Contact Compliance Reports Section, 244-5300, ext. 1-3907, Planning Branch)

## **PART 3 - CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

### **STANDARD CONDITIONS**

#### **STC 3.1.1 - Signing of Site Plan Control Agreement**

The Owner(s) must sign a Site Plan Control Agreement including the conditions to be included in the agreement. When the Owner(s) fails to sign the required agreement and complete the conditions to be satisfied prior to the signing of the agreement within six (6) months of Site Plan Control Approval, the approval shall lapse. (Contact Debbie Van Waard, 244-5300, ext. 1-3570, Office of the City Solicitor).

#### **STC 3.2 - Approval of Private Sewer Systems, Lot Grading and Drainage Plan(s)**

The Owner(s) must submit a plan(s) showing the private sewer systems and lot grading and drainage which indicates:

- i) the methods that surface water will be self-contained and directed to catch basins, storm sewers, swales and or ditches, and then conveyed to the public storm, combined sewer system or City ditches unless otherwise directed by the Commissioner of Urban Planning and Public Works;
- ii) by calculation, that the stormwater runoff from this site will not exceed the design capacity of the City sewer system. The allowable runoff coefficient is 0.70, (if the uncontrolled stormwater runoff exceeds the requirement specified, an application to the Ministry of Energy and the Environment for stormwater management will be required). For further information contact Kamal Toeg at 244-5300, ext. 3833;
- iii) that all sanitary wastes shall be collected and conveyed to a public sanitary or combined sewer; and
- iv) that all private storm and sanitary sewers required to service the subject site are completely separated from each other and conveyed to the public storm, sanitary or combined sewer, except in the designated Combined Sewer Area;

to the satisfaction of the Commissioner of Urban Planning and Public Works. (Contact

Bruce Coombe, 244-5300, ext. 1-3461, Engineering Branch)

#### **PART 4 - CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF AND DURING CONSTRUCTION/DEVELOPMENT**

##### **SPECIFIC CONDITIONS**

1. Prior to the issuance of any occupancy permit, the Owner(s) shall require that the site servicing contractor perform field tests for quality control of all sanitary sewers. Specifically the leakage testing shall be completed in accordance with OPSS 410.0701.16 and 407.07.26. The field tests shall be performed in the presence of a certified professional engineer who shall submit a certified copy of the tests results to the satisfaction of the Director of Engineering Branch. (Contact Bruce Coombe, 244-5300, ext. 3461, Engineering Branch)
2. The curb and sidewalk is to be continuous and depressed across the private approach in accordance with the Private Approach By-law 170-73. (Contact Ray Fournier, 244-5300, ext. 3811, Engineering Branch)
3. The proposed private sanitary and storm sewers should be directed to the Friel Street storm and sanitary sewer systems. (Contact Bruce Coombe, 244-5300, ext. 3461, Engineering Branch)

##### **STANDARD CONDITIONS**

###### **STC 4.4 - Approval for Construction Related to Private Approaches**

The Owner(s) must receive written approval from the Commissioner of Urban Planning and Public Works for any construction related to a private approach within the road allowance. (Contact Ray Fournier, 244-5300, ext. 1-3811, Engineering Branch)

###### **STC 4.5 - Notification of Construction or Alteration of Private Approach**

The Owner(s) must notify the Commissioner of Urban Planning and Public Works in writing when the construction or alteration of any private approach servicing this development will commence. Lack of notification may result in the City requiring changes to the private approach at the expense of the Owner. (Contact Ray Fournier, 244-5300, ext. 1-3811, Engineering Branch)

###### **STC 4.8 - Pumping of Liquids Into Sewers During Construction**

The Owner(s) in accordance with the Sewer By-law (By-law Number 163-73, as amended), must obtain authorization from the Commissioner of Urban Planning and Public Works prior to the pumping of any liquid or liquid with sediment into sanitary, storm or combined sewers during construction. Failure to obtain authorization may result in the owner(s) having to bear the full cost of removing all sediment and debris downstream from the construction site. (Contact Sewer Inspector, 798-8892, Operations Branch)

**STC 4.9 - Inspection of Service Connections**

The Owner(s) in accordance with the Sewer By-law (By-law Number 163-73, as amended), must contact the Department of Urban Planning and Public Works, Sewer Operations Inspections staff, to view the connection of deep services to municipal sewer lines. Compliance regarding service connections can only be determined if this inspection has been carried out. (Contact Sewer Inspector, 798-8892, Operations Branch)

**STC 4.15 - Reinstatement of Redundant Accesses**

The Owner(s) must reinstate the sidewalk and curb at the redundant access and maintain a curb face equal to or better than the existing adjacent curbs with all costs borne by the Owner(s). (Contact Ray Fournier, 244-5300, ext. 1-3811, Engineering Branch)

**STC 4.18 - Planting of Trees in Road Allowance**

The Owner(s) must ensure that any new road allowance tree(s) be planted as follows:

- i) 0.6 metres from the property line, pursuant to the Standard Locations for Utility Plant (referred to as the CR-90), as approved by the City;
- ii) utility clearances are required prior to planting and/or staking;
- iii) wire baskets and burlap used to hold the root ball and rope that is tied around the root collar are to be removed at the time of the planting of the tree(s);
- iv) guying of the tree(s) is not acceptable;
- v) the tree(s) must meet the requirements set out by the Canadian Nursery Standards; and
- vi) tree stakes are to be removed prior to the release of the financial securities for the landscape elements. (Contact John Honshorst, 244-5300, ext. 1-3763, Operations Branch)

**STC 4.19 - Requirement for "As Built" Drawings of Private Sewer Systems, Lot Grading and Drainage**

The Owner(s) must provide the Department of Urban Planning and Public Works with "As Built" drawings of all private sewer systems, lot grading and drainage, prior to the issuance of a final occupancy permit. (Contact Bruce Coombe, 244-5300, ext. 1-3461, Engineering Branch)

**PART 5 - FOR THE INFORMATION OF THE REGISTERED OWNER(S)****STI 1 - Additional Requirements**

This approval only relates to Site Plan Control matters and the owner must still abide by all other municipal by-laws, statutes and regulations.

**STI 4 - Changes to the Site Plan Control Approval**

Changes to the Site Plan Control Approval may require a new approval according to the provisions of the Site Plan Control By-law.

**STI 5 - Permit Required for Signs**

This Site Plan Control Approval does not constitute approval of any sign. The Owner(s) must procure separate sign permits for all signs in accordance with the Signs By-law (By-law Number 311-90, as amended). Further, according to the Site Plan Control By-law, where proposed ground signs are not indicated on an approved plan(s), the Owner must seek Site Plan Control Approval to reflect the intended sign(s) prior to the issuance of the required sign permits. (Contact Jim Denyer, 244-5300, ext. 1-3499, Planning Branch)

**STI 7 - Maintenance of Municipal Boulevard**

In accordance with the Use and Care of Streets By-law (By-law Number 165-73, as amended) the Owner(s) and or prospective owner(s) will be responsible for the maintenance of the municipal boulevard. (Contact John Honshorst, 244-5300, ext. 1-3763, Operations Branch)

**STI 8 - Prohibition of Storage of Snow on Road Allowance**

No snow is to be deposited on the road allowance as per the By-law Regulating the Use and Care of Streets (By-law Number 165-73, as amended). (Contact John Honshorst, 244-5300, ext. 1-3763, Operations Branch)

**STI 11 - RMOC Jurisdiction**

Rideau Street is under the jurisdiction of the Regional Municipality of Ottawa-Carleton

**REGIONAL MUNICIPALITY OF OTTAWA-CARLETON**

**RMOC Registered Agreement Required**

The Owner(s) is advised that an agreement must be entered into with the Regional Municipality of Ottawa-Carleton and the Owner(s) (Contact Millie, Mason, Legal Department, 560-6025, ext. 1224) which will include the following conditions:

**RMOC -The following Regional conditions are required to be included in a Regional Site Plan Agreement.**

**ENVIRONMENT**

**Water**

- W2 The details for water servicing and metering shall be in accordance with the Regional Regulatory Code. The owner shall pay all related costs, including the cost of connecting, inspection, disinfecting and the supply and installation of water meters by regional personnel.
  
- W4 In accordance with the Regional Regulatory Code, all existing services that will not be utilized, shall be capped at the watermain by the Region. The owner shall be responsible for all applicable costs.

- W9 The owner shall be required to co-ordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-ground, below-ground) through liaison with the appropriate electrical, gas, water, sewer, telephone and cablevision authorities and including on-site drainage facilities and streetscaping - such location plan being to the satisfaction of all affected authorities.

### **Industrial Waste**

- IW1 In accordance with the Regional Regulatory Code, the owner shall install and maintain in good repair in each connection a suitable manhole to allow observation and sampling of sewage and stormwater by the Region of Ottawa-Carleton. The manhole type and location shall be consistent with the requirements of the Regional Regulatory Code.
- IW2 Any sanitary or storm drainage from the site must comply with the provision of Section 5.2 of the Regional Regulatory Code.
- IW3 Prior to discharge of sewage into the sewer system, a Waste Survey Report required by Section 5.2.5 of the Regional Regulatory Code must be completed and submitted to the Industrial Waste Inspector at 560-6086, Extension 3326.

### **Stormwater Management**

- SWM4 The owner agrees to prepare and implement an erosion and sediment control plan to the satisfaction of the local municipality, appropriate to the site conditions, prior to undertaking any site alterations (filling, grading, removal of vegetation, etc.) and during all phases of site preparation and construction in accordance with the current Best Management Practices for Erosion and Sediment Control.

### **Finance**

- RDC The owner, heirs, successors and assigns shall ascertain if development charges are payable pursuant to the Regional Development Charges By-law and any amendment or revision thereto.

**For the advice of the Applicant and/or the City of Ottawa, the following comments/conditions will apply:**

## **ENVIRONMENT**

### **Water**

- W1 Fire flow records indicate a flow of 2380 IGPM at 20 PSI from the hydrant located at Rideau Street and Friel Street. This test was performed in August 1998. This flow reflects system conditions on the test day; however, there are variations in flow and pressure depending on the time of day. The owner should undertake an engineering analysis of the water supply, certified by a professional engineer, to ascertain if the available fire flows are adequate and meet the requirements of the Insurers' Advisory Organization.
- W3 The owner shall submit drawings for approval prior to tendering and make application to the Regional Environment and Transportation Department for the water permit prior to the commencement of construction.
- W7 The owner shall satisfy the requirements of the Building Code with respect to hydrants(s).
- W10 The owner shall note that the Ministry of Environment approval is required for any on-site stormwater management facility to service this project. No construction of these works shall commence until the owner has secured a Certificate of Approval from the Ministry of Environment.

### **Solid Waste**

- SW4 Waste collection and recycling collection will not be provided by the Region. The applicant should make appropriate arrangements with a private contractor for waste collection and recycling collection.
- SW5 The owner should consult a private contractor regarding any access requirements.

## **ENBRIDGE-CONSUMERS GAS**

Enbridge-Consumers Gas should be contacted regarding the necessity of providing easements or servicing requirements. (Contact Gary Roth, Engineering Department, 742-4636)

## **OTTAWA HYDRO**

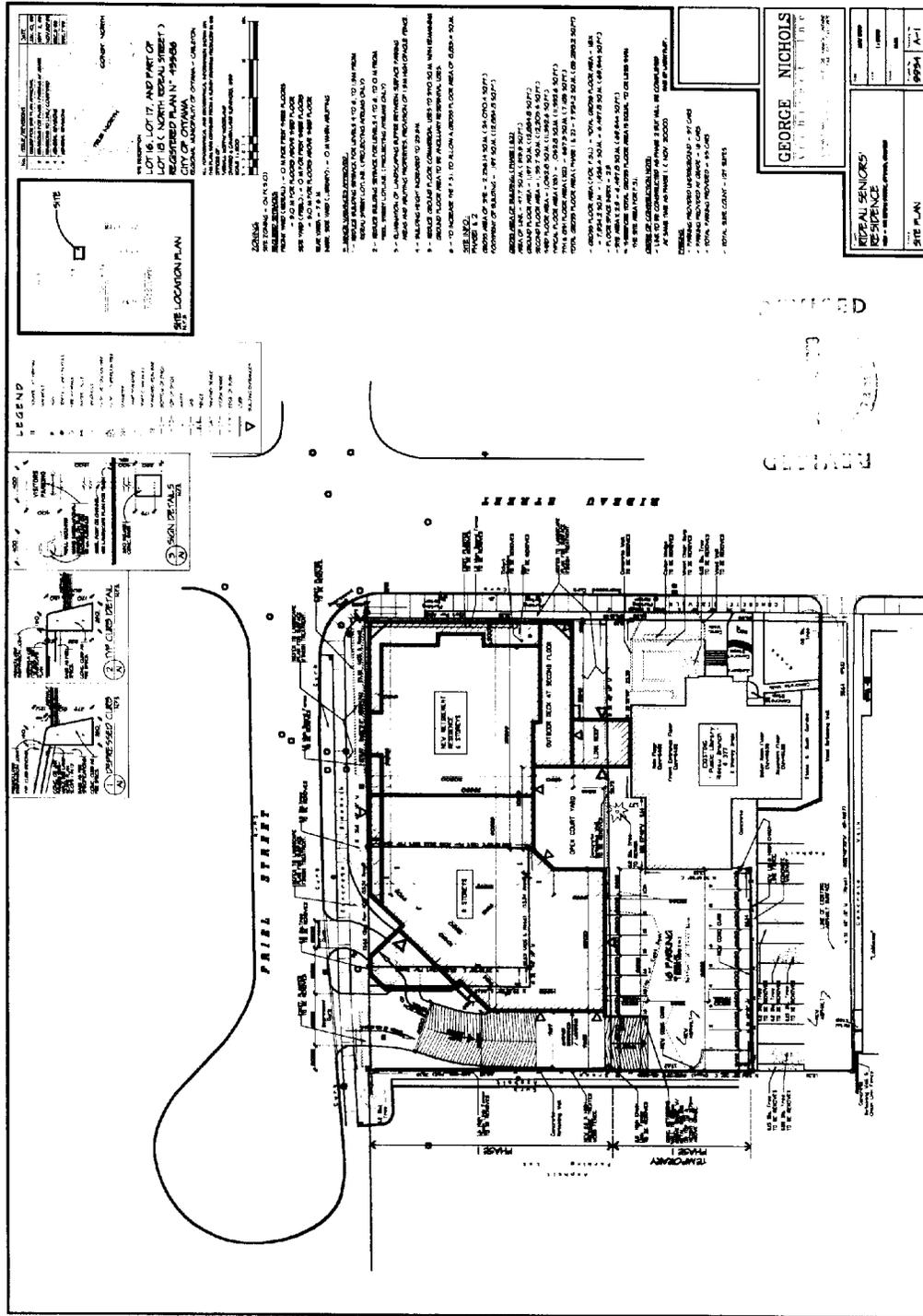
Ottawa Hydro, Engineering Department should be contacted regarding the necessity of providing a transformer and vault, pad mounted transfer and easements. (Contact Daniel Desroches, 738-5499, ext. 210)

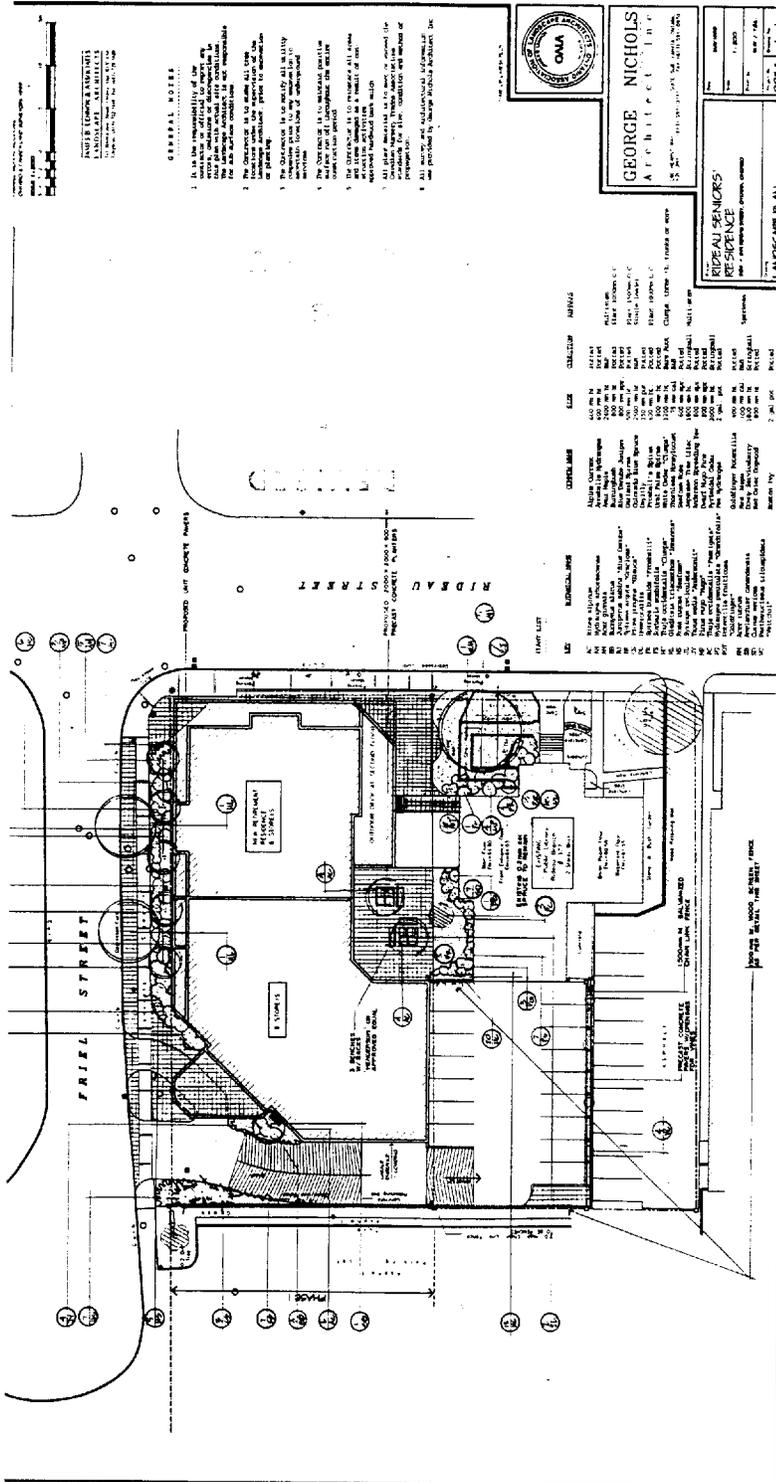
**ROGERS OTTAWA**

Rogers Ottawa Cablevision be contacted in planning stages to arrange facilities. (Contact Jeff Niles, 247-4519 - East side Bank Street Dave Hart 247-4562)

**CANADA POST CORPORATION**

This new building will be served by a direct bag to the ground floor counter. (Contact Denis Marquis, 734-1698, Delivery Planning)





**CONSULTATION DETAILS**

Document 5

NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures were carried out in accordance with the Early Notification Procedure P&D/PPP/N&C#2 approved by City Council for Site Plan Control applications.

PUBLIC INPUT

Three comments were received as a result of the posting of the on-site information sign.

Action Sandy Hill (ASH) was pleased to learn of the proposed development and its juxtaposition to their library. ASH welcomes measures to make Rideau Street East more “people-friendly” and believes this could be encouraged by avoiding blank walls facing onto Rideau Street which tend to dull the pedestrian environment. They mention that sidewalk interaction could be created by visible greening, thus connecting pedestrians with store doors and windows. For this proposal, their main concern relates to the ground floor facade as well as the green component. They indicate that this could be helped by the insertion of business or display windows at street level and the presence of “vertical” greens along both sides of the street thereby enhancing the streetscape.

The King Edward Avenue Task Force expressed support for this development plan. They feel that the development represents a significant enhancement of their community and that it will encourage much downtown residential growth. They were reassured to see that the south street level elevation was generally in keeping with the scale of the adjacent and connecting library and that the higher north elevation did not overwhelm from the street view.

Beausejour Tenants Association indicated their definite support for the Rideau Gardens Retirement Home project.

ENVIRONMENTAL ADVISORY COMMITTEE

This Committee feels that there is a lack of useable greenspace on this site. Concrete pavers appear to be the only groundcover used by the landscaper both at the entranceway and the open space area between the proposed building and the existing public library. While mobility concerns of the residents may necessitate a level walking surface, other such residences utilize elevated planters to provide some marginal vegetation for residents and urban wildlife alike.

## Response

The applicant has amended his plan to show a soft landscape treatment in the courtyard between the two buildings. The hard surface area within this space will contain raised planters and seating areas. Also, usable outdoor space is provided on a deck at the second level overlooking the courtyard. They are also proposing additional tree planting in the boulevard on Friel Street.

### APPLICATION PROCESS TIMELINE STATUS

This application, which was submitted on June 23, 1999, was subject to a project management timeline, as recommended by the “A Better Way Task Force”. A process chart which established critical milestones, was prepared and circulated as part of the technical circulation and early notification process. A Mandatory Information Exchange was undertaken by staff with interested community associations since the proponent did not undertake Pre-consultation.

The application was not processed within the timelines established within the Planning Branch's Operations Manual as the matter was held in abeyance for several weeks until the minor variance application was considered and granted by the Committee of Adjustment.

### COUNCILLOR'S COMMENTS

Councillor Stéphane Émard-Chabot provided the following comment;

“I have reviewed the application in the above captioned matter which proposes the construction of a two-phase retirement home on Rideau Street. If approved, the proposal would require the demolition of two row dwellings fronting Friel Street and the elimination of a temporary surface parking lot.

As City Councillor of a downtown ward, it is important that proposals to revitalize Rideau Street be supported. During my tenure, several residential projects have surfaced along Rideau Street: Wallis House, Parkside Mews, Horizon Towers are but a few examples of housing projects which will bring new residents to Rideau Street. A residential project of this magnitude will also bring many more new residents to the downtown core. The retail space component at grade level is definitely in keeping with the City Council approved Uptown Rideau report whose vision for Rideau Street is to encourage “a traditional style main street, featuring a fine mix of uses, a closely knit urban fabric with buildings located close to the sidewalk and each other”.

In light of the above, I am very much in favour of this application.”

December 1, 1999

ACS1999-PW-PLN-0174  
(File: JPD4840STLA1200)

Department of Urban Planning and Public Works

Ward/Quartier  
OT4 - Rideau

- Planning and Economic Development Committee / Comité de l'urbanisme et de l'expansion économique
- City Council / Conseil municipal

Action/Exécution

## 12. Signs By-law Minor Variance - 1200 St. Laurent Blvd.

### Dérogradation mineure de l'Arrêté municipal sur les enseignes - 1200, boulevard St. Laurent

#### Recommendation

That the application to vary the Signs By-law 311-90, to allow an increase in the maximum permitted ground sign height limitations, subject to the conditions specified in Document 2, be **APPROVED**.



December 2, 1999 (11:13a)

Edward Robinson  
Commissioner of Urban Planning and Public Works

DRB:drb

Contact: Don Brousseau, 244-5300, ext. 3118



December 2, 1999 (1:28p)

Approved by  
John S. Burke  
Chief Administrative Officer

#### Financial Comment

N/A.



December 2, 1999 (10:32a)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

The site description, context and specific details are available for review as Supplementary information, Documents 1 and 2.

The applicant is requesting relief from the by-law dimension limitations to permit a second ground mounted identification/advertising sign, to be located in the south-west corner of the St. Laurent Shopping Centre property, that exceeds the maximum permitted height.

The property is zoned CS 2 [524] F (1.0) and occupied by the existing Regional level shopping complex. The site is situated on the north side of the Queensway bounded by St. Laurent Boulevard to the east and Coventry Road to the north and north-west. Area land use is primarily retail commercial to the east and north, with industrial development to the west.

The proposal is to install, in addition to the existing pylon sign adjacent to Coventry Road, a second pylon sign on the south side of the property for the purposes of improving exposure and identification to east and west-bound traffic on the Queensway. The Signs By-law regulates the scale of signage in relation to the scale of the property on which the sign is to be located. In this case, the size of the proposed sign at 40.97 square metres complies with the by-law. Similarly, the height of a sign is based on a factor of the permitted sign area, to a maximum of 7.6 metres. The height of the proposed sign is 10.67 metres. In this regard, the intent of the by-law is to allow a reasonable level of signage without overpowering the area or creating sign proliferation.

Notwithstanding the above, any sign located with 400 metres of a Provincial Highway is also under the jurisdiction of the Ministry of Transportation. The Ministry has indicated that the sign would be acceptable if the overall height of the sign does not exceed 10 metres and the sign is set back from the Ministry of Transportation property line a minimum of 3 metres.

In light of the above, given the large scale of the property, the fact there are no other ground signs or businesses within the immediate area that would be adversely affected, and the Ministry's comments, the Department is prepared to support an increase in the maximum permitted height. However, in respect of the height and setback limitations specified by the Ministry, the Department is recommending approval of the increase subject to restricting the overall height to a maximum of 10 metres and requiring that the minimum setback from the Queensway right-of-way be not less than 3 metres.

Based on the recommended conditions, it is felt that approval of the application would be consistent with the purpose and intent of the by-law.

## Consultation

In response to the standard early notification six submissions were received of which five were in support of the application as submitted. Specific comments are provided within Document 2.

## Disposition

The Department of Corporate Services, Statutory Services Branch is to notify the applicant, Robert J. Woodman Architect Inc., 205 - 1750 Courtwood Crescent, Ottawa, Ontario, K2C 2B5 and the property owner, 713949 Ontario Ltd., 412 - 33 Yonge Street, Toronto, Ontario, M5E 1G4, of City Council's decision.

## List of Supporting Documentation

Document 1	Fact Sheet
Document 2	Details of Recommended Minor Variance and Consultation Details
Document 3	Location Plan
Document 4	Site Plan and Elevation Drawing
Document 5	Photographs

## Part II - Supporting Documentation

### FACT SHEET

Document 1

Signs By-law - Minor Variance  
Address - 1200 St. Laurent Boulevard  
JPD4840/STLA1200

Current Zoning:	CS 2 [524] F (1.0)
Sign Level Use:	Level 3
Defined Special Signage Area:	N/A
Existing Development/Use:	Retail Shopping Complex(Regional level)
Site Plan Control (Cross Reference):	OSP1984-128
Existing Signs Under Permit: (For the Subject Occupancy)	One ground sign 9'x23'-6"x37' (Approved through Minor Variance process)
<b>Requested:</b>	<b>Permitted or Maximum allowable:</b>
Type: On-premises ground sign	Permitted
Classification: Identification sign	Permitted
Area of Faces: 40.97 square metres	Permitted
Height: 10.67 metres	Not-permitted - By-law maximum is 7.6 metres
Location: In the south-west corner of the property adjacent to the Queensway	Permitted - Subject to height, setback and Ministry of Transportation approvals
Illumination: Yes	Permitted
Illuminated Readograph	Permitted

## DETAILS OF RECOMMENDED VARIANCE

Request for relief from Subsection 1.1.4.1. Dimension Limitations of Schedule A of By-law 311-90, as amended, to permit an increase in the maximum height of the overall sign structure from 7.6 metres to 10.0 metres.

## CONSULTATION DETAILS

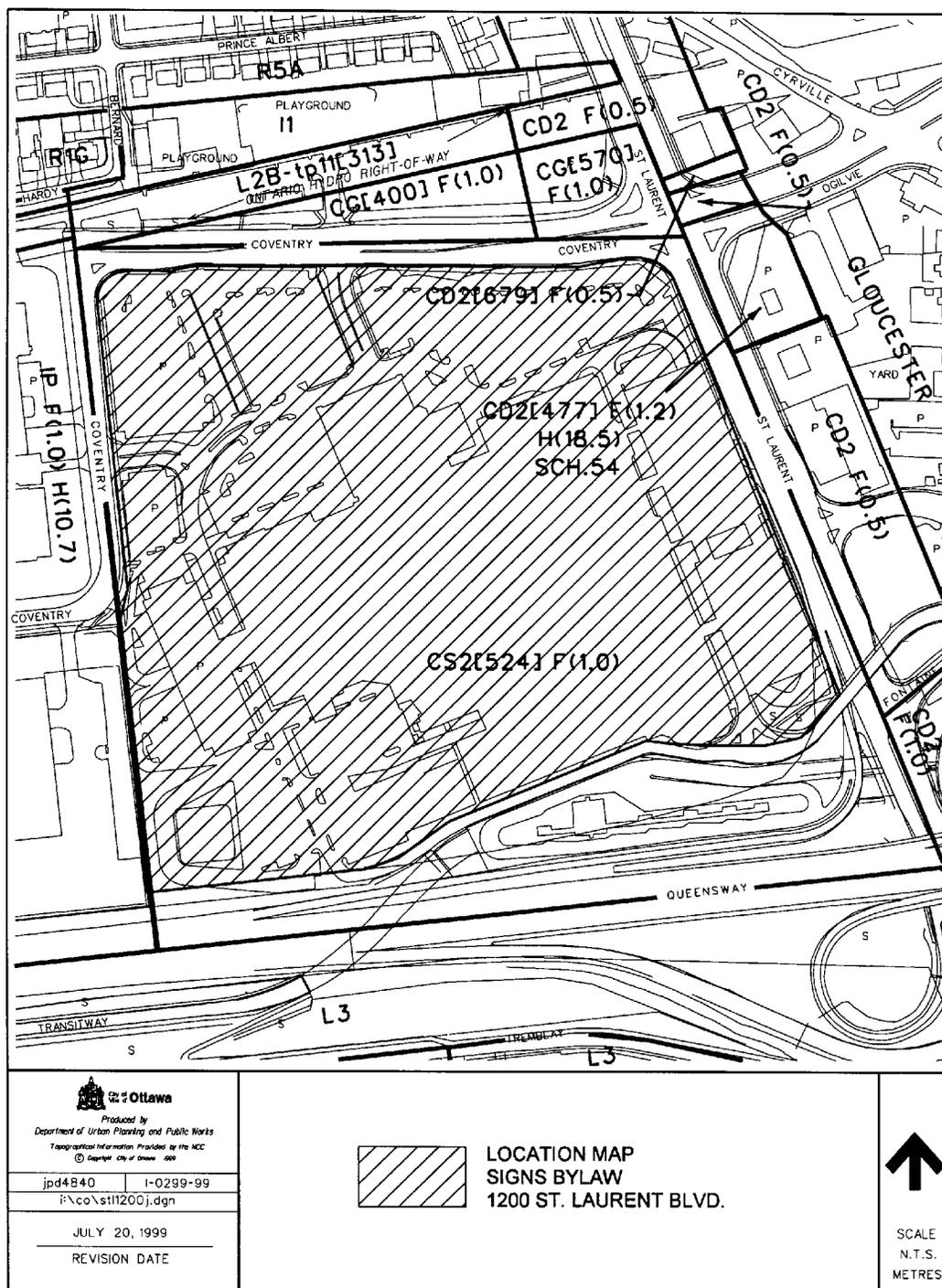
In response to the standard early notification circulation to affected owners and tenants within 30 metres of the property and the Community/Business Groups, six submissions were received, five in support of the application as submitted and one against. While no specific comments were provided in support of the application, the following comments were provided in opposition.

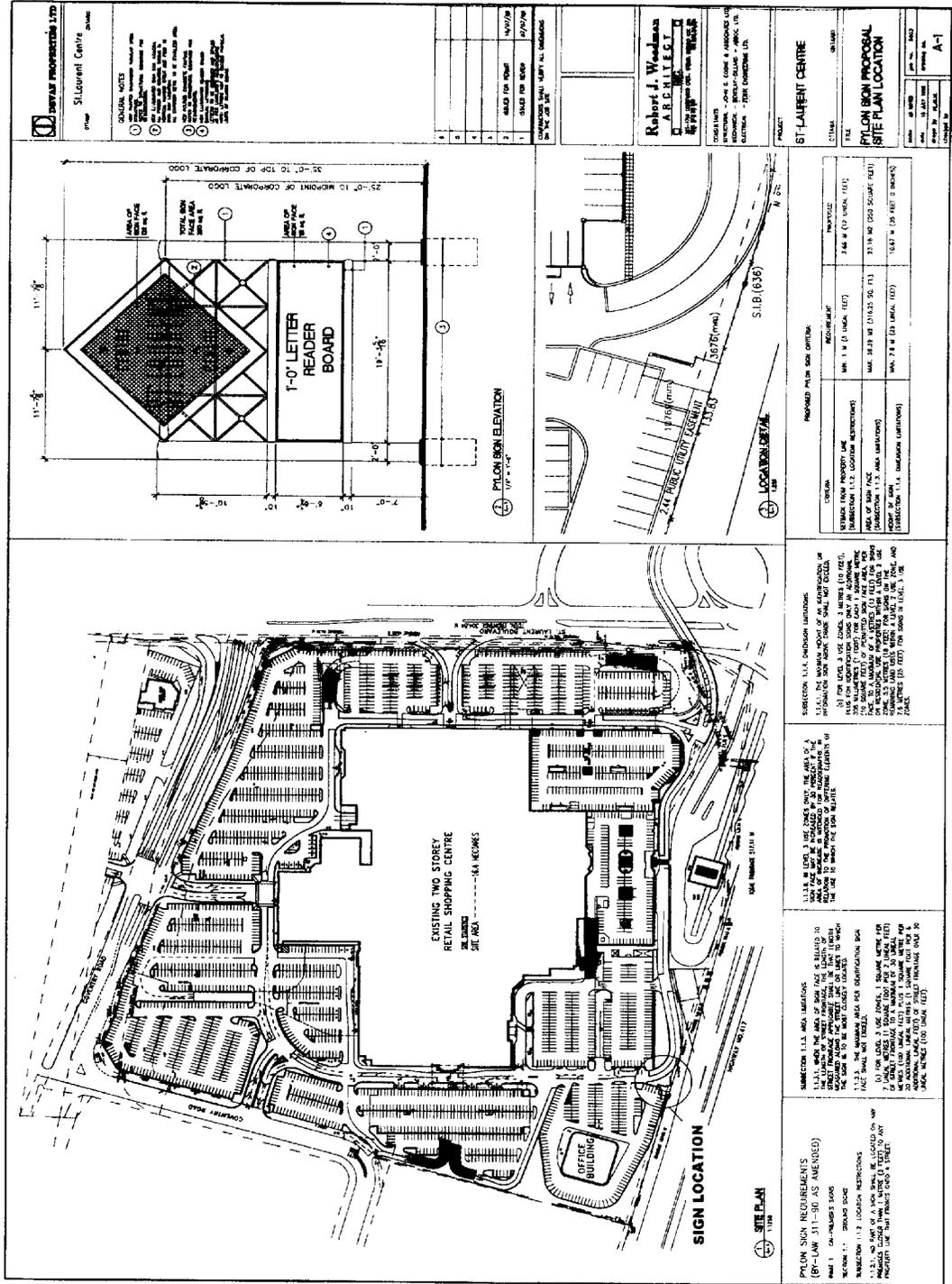
- This is Ottawa not Las Vegas. The mall has put enough signage on the exterior of the building. There is no further need for signage.

The Ward Councillor is aware of the application.

## Departmental comments

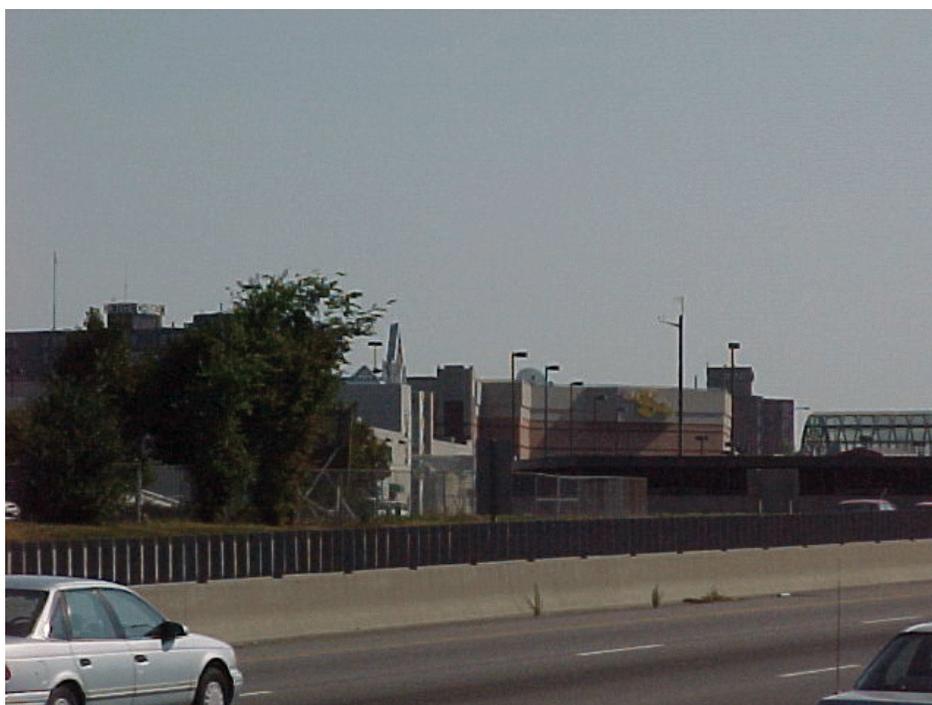
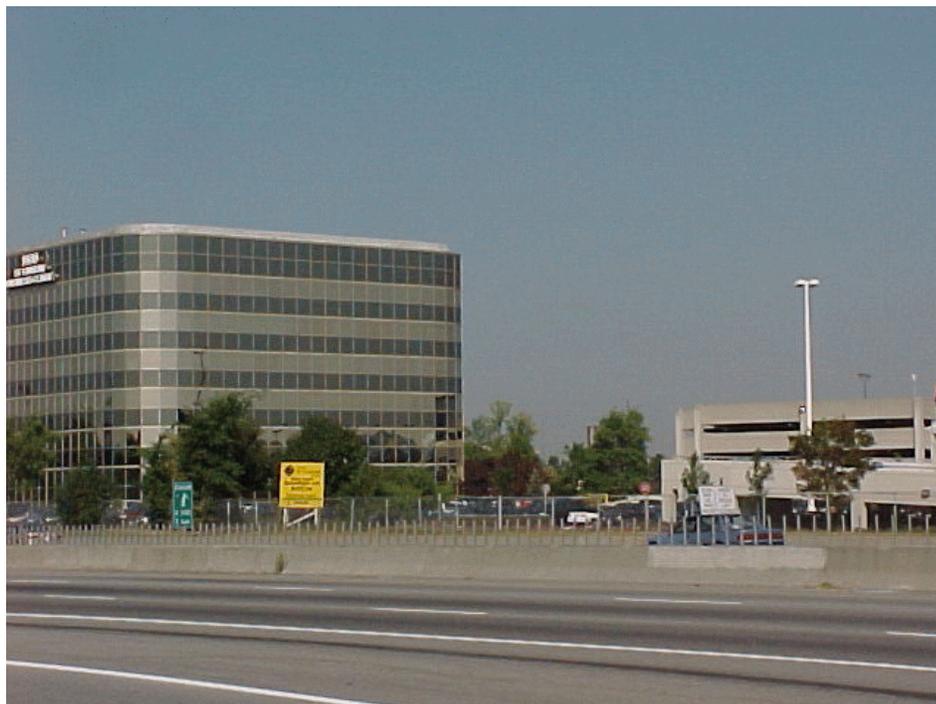
Multiple ground signs are permitted on any commercial property subject to maintaining a minimum 30 metre separation between signs in the prevention of sign proliferation, compliance with the maximum sign face area limitations for the overall property, and, in this case, subject to pre-requisite approval from the Ministry of Transportation.





PHOTOGRAPHS

Document 5



December 15, 1999

ACS1999-PW-PLN-0178  
(File: JPD4840METC00480)

Department of Urban Planning and Public Works

Ward/Quartier  
OT9 - Capital

- Planning and Economic Development Committee / Comité de l'urbanisme et de l'expansion économique
- City Council / Conseil municipal

Action/Exécution

### 13. Signs By-law Minor Variance - 480 Metcalfe Street

#### Dérogradation mineure de l'Arrêté municipal sur Les enseignes - 480, Rue Metcalfe

#### Recommendations

1. That the application to vary the Signs By-law 311-90, to allow an increase in the permitted sign face area affecting two proposed wall mounted logo signs reading "Palisades Residence", as detailed in Document 2, be **APPROVED**, subject to the following:

#### SPECIAL CONDITIONS:

- ▶ that the proposed logo signs be permitted as temporary signs only with a permit expiry dated December 31, 2000, and
  - ▶ that upon removal of the two existing logo signs reading "Ramada", two new permanent sign permits be issued for the Palisades logo signs.
2. That the application to vary Signs By-law 311-90, to permit an increase in the permitted sign face area affecting the proposed side wall sign to be located on the second storey on the west elevation, be **REFUSED**.



December 15, 1999 (2:36p)

Edward Robinson  
Commissioner of Urban Planning and Public Works

DRB:drb

Contact: Don Brousseau - 244-5300 ext. 1-3118



December 16, 1999 (9:06a)

Approved by  
John S. Burke  
Chief Administrative Officer

## Financial Comment

N/A.

  
December 15, 1999 (2:22p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendations

The site description, context and specific details are available for review as Supplementary information, Documents 1 and 2.

The applicant is requesting relief from the area limitations of the by-law to permit two new oversized building identification logo signs reading “Palisades Residence”, one to be installed in the top storey on the east and west elevations. Relief is also being requested to allow the Palisades signs to project above the building roof line (the two existing logo signs, reading “Ramada” mounted vertically in the top storey on the east and west elevations are to be removed by the end of 2000). Finally, to allow an increase in the area limitations affecting a third oversized sign to be installed on the west side wall at the second floor level (Reference Document 4).

The property is located on the south-west corner of Metcalfe and Isabella Streets, zoned CG9 [647] F(2.0) which allows both the existing hotel and the retirement residence. While the building fronts toward Metcalfe Street, the two vehicular accesses are from east-bound Isabella Street and west-bound Pretoria Avenue. The property is located adjacent to the Queensway and, therefore, subject to the requirements of the Ministry of Transportation. Isabella is an east-bound one way Regional collector roadway providing an eastbound access to the Queensway where it intersects with Metcalfe Street. Area land use includes primarily commercial office and retail uses to the east and west with low density residential to the south fronting onto Pretoria Avenue.

The use of the property is currently in a transition from the existing hotel use to a retirement residence. The applicant indicates that the transition is expected to be completed between February and September 2000. In the interim, the two uses will co-exist and, until the transition is complete, the applicant would like to display on the top storey, identification signs for both the Palisades Residence and the Ramada Hotel. The sign to be installed on the

west side wall at the second floor level would be permanent identification for the Palisades Residence.

#### Recommendation 1

With regard to building identification signage located in the top storey, the two existing logo signs for the Ramada Hotel were installed under permit in 1998 and do conform to the by-law area limitations at 10.8 square metres per sign. The two proposed logo signs "Palisades Residence" each measure 30.23 square metres. The by-law maximum permitted area is 22.44 square metres. To allow the proposed signs would require an increase in the maximum area limitation of 35%. However, as outlined above, for the period that both the Ramada and Palisade signs would be displayed, the combined area on each elevation would equate to an 84% increase in the permitted area. The Department is of the opinion that since the Palisades sign is made up of individual channel letters mounted horizontally with a limited height of 1.73 metres and the fact there has been no opposition from either the community associations, the area residents or the ward Councillor, approval of the application for the interim increase of 84% and an ultimate increase of 35% is considered acceptable.

The above notwithstanding, the intent of the by-law is to maintain the integrity of the building's architectural features, with regard to a sign's location, proportion and appearance. To this end, the by-law prohibits signs that project above an eave or roof line. In that it is technically possible to accommodate the Palisades signs within the blank horizontal band located above the top floor windows, the need to extend the sign above the roof line is not felt to be justified.

In light of the above, It is recommended that initially two temporary sign permits be issued for the new Palisade logo signs until either the "Ramada" signs have been removed or December 31, 2000. It is further, recommended that the sign permits be issued conditional on the sign not extending above the roof line. Finally, that effective January 1, 2001, two new permanent sign permits be issued.

#### Recommendation 2

With regard to the proposal to install a sign on the west side wall, the intent of the by-law is to determine whether the applicant has demonstrated extenuating circumstances that would warrant special consideration, ie; when a building is not clearly visible or if there is a physical obstruction preventing clear visibility of the sign. In this case, the sign would be clearly visible to eastbound traffic on Isabella Street. However, when the location of the intended sign is viewed from a distance, there is a medium sized deciduous tree located on the adjacent property to the west. In terms of scale, given the size of the building, the calculated by-law maximum permitted area for side wall signs at 9.29 square metres would apply. Therefore, the Department is of the opinion that a sign in compliance with the by-law and readily visible to east-bound traffic does not warrant the requested increase in sign area.

## Consultation

In response to the standard early notification, no responses were received from either the area residence or community associations. The Ward Councillor is aware of the application.

## Disposition

The Department of Corporate Services, Statutory Services Branch to notify the applicant Palisades Retirement Residence, 480 Metcalfe Street, Ottawa, Ontario, K1S 3N6, and the contractor Beyond Signs, 2615 Lancaster Road #1, Ottawa, Ontario, K1B 5N2, of City Council's decision.

## List of Supporting Documentation

Document 1	Fact Sheet
Document 2	Details of Requested and Recommended Minor Variance and Consultation Details
Document 3	Location Plan
Document 4	Elevation Drawings
Document 5	Photographs

**Part II - Supporting Documentation**

FACT SHEET

Document 1

Signs By-law - Minor Variance Application

Address - 480 Metcalfe Street

JPD4840/METC00480

Current Zoning:	CG9[647] F(2.0)
Sign Level Use:	Level 3
Defined Special Signage Area:	Not applicable
Existing Development/Use:	8 storey hotel(Ramada)
Site Plan Control (Cross Reference):	N/A
Existing Sign(s) Under Permit: (For the Subject Occupancy)	4 Wall mounted signs and 2 ground mounted signs.
<b>Requested:</b>	<b>Permitted or Maximum allowable:</b>
Type: On-Premises sign	Permitted
Classification: Identification	Permitted
Area of Face: Existing logo - 2 @ 10.8sq.m. Proposed logo - 2 @ 30.23sq. m. Proposed side wall - 17.84sq. m.	Permitted - 22.44 sq. m./sign Not permitted - Max. 22.44 sq. m./sign Not permitted - Max. 9.29 sq. m.
Height: Logo signs to project above roof line	Not permitted - Signs may no project above an eave or roof.
Location: Logo signs located on east and west elevations in the top storey	Permitted
Side wall sign located on the west side wall	Permitted
Illumination: Proposed	Permitted

### Details of Requested Minor Variance

Relief from Articles 1.2.2.6., 1.2.3.6., 1.2.3.11. and paragraph 1.2.4.1.(b) of Schedule A of By-law 311-90, as amended, to permit:

- as temporary signs until December 31, 2000, two additional building identification logo signs to identify a second major occupant located at or near the roof line on the east and west building elevations,
- on a temporary basis until December 31, 2000, an increase in the maximum logo sign area limitations from 22.44 square metres to 41.03 square metres,
- effective January 1, 2001, an increase in the maximum logo sign area limitations from 22.44 square metres to 30.23 square metres,
- an increase in the maximum area limitations for a side wall sign from 9.29 square metres to 17.84 square metres, and
- a logo sign to project above an eave or roof line.

### Details of Recommended Minor Variance:

Relief from Articles 1.2.2.6. and 1.2.3.6. of Schedule A of Signs By-law 311-90, as amended, to permit:

- as temporary signs until December 31, 2000, two additional building identification logo signs to identify a second major occupant located at or near the roof line on the east and west building elevations,
- as temporary signs until December 31, 2000, an increase in the maximum logo sign area limitations from 22.44 square metres to 41.03 square metres, and
- effective January 1, 2001 an increase in the maximum logo sign area limitations from 22.44 square metres to 30.23 square metres.

### Consultation Details

In response to the early notification circulation, no submission were received from either the affected area owner/occupants or the community associations. The Ward Councillor is aware of the application.

### Ministry of Transportation

A sign permit is required from the Ministry of Transportation prior to the installation of any sign located within 400 metres of the provincial highway system.

The Ministry of Transportation will allow a maximum of 46 square metres of signage in both directions on the Palisades Retirement Residence/Ramada Inn Hotel. The amount of signage

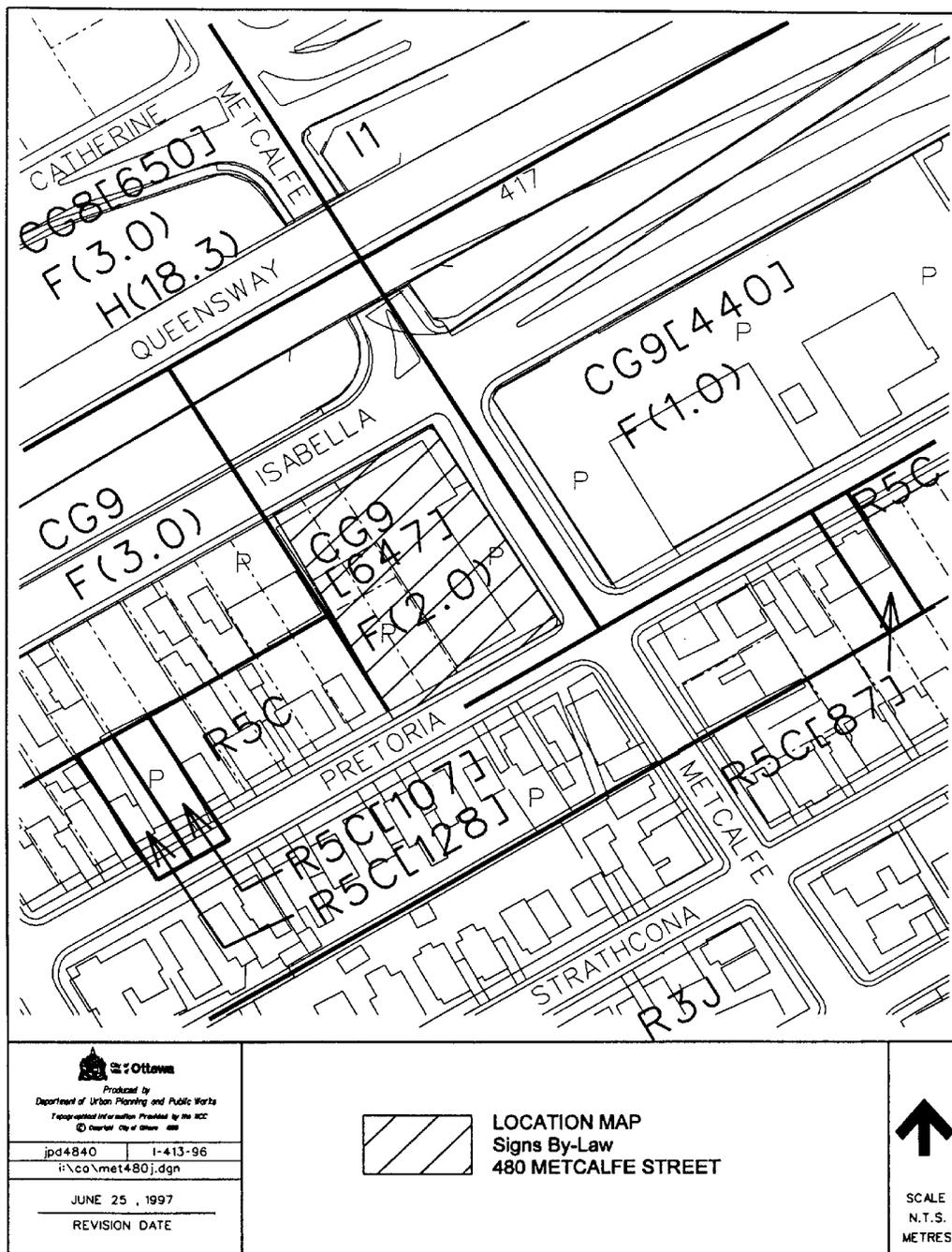
for the Palisades will depend on the amount of existing signage that is now on the building for the Ramada Inn.

Signage is not allowed to extend above the fascia of the building.

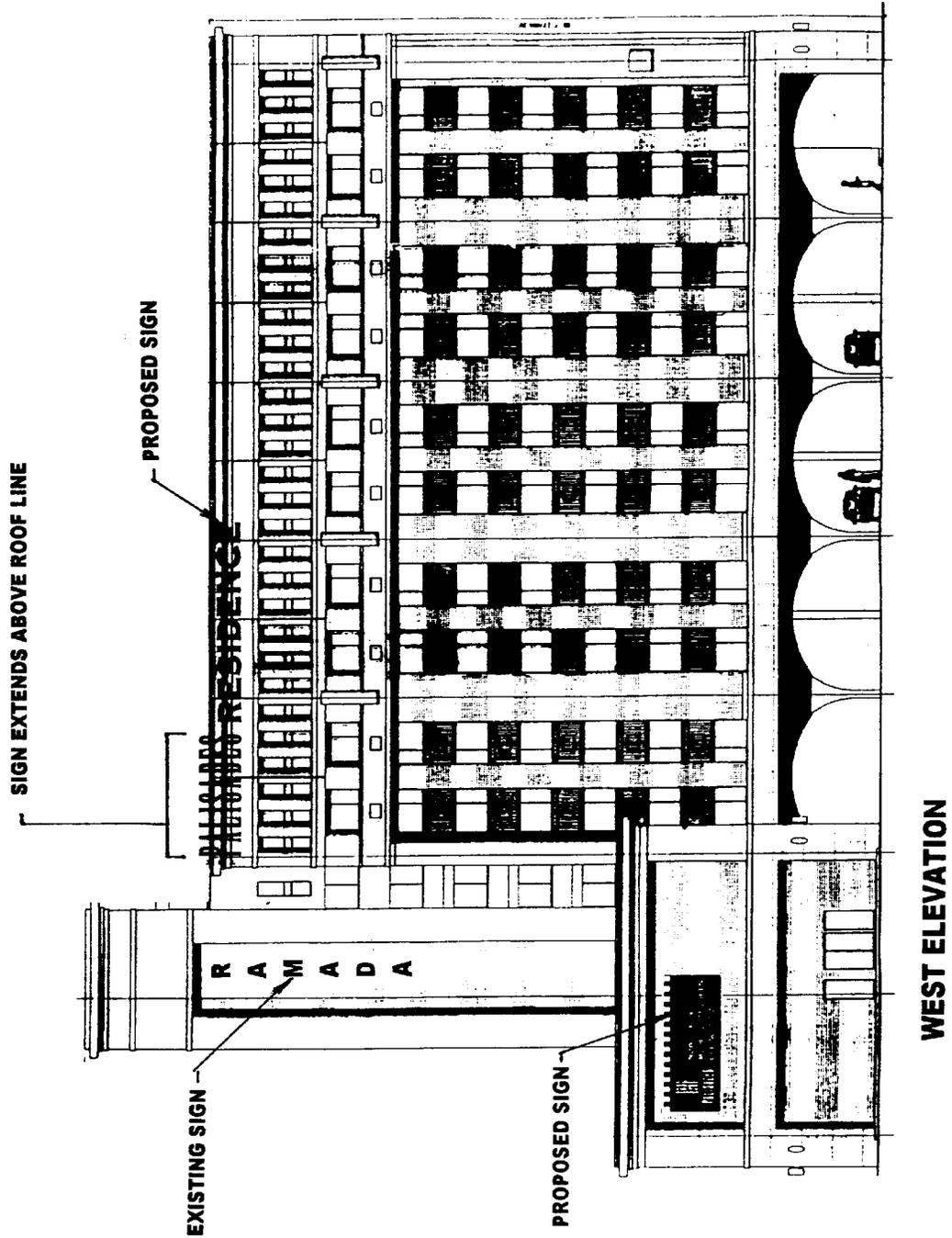
#### Departmental Comments

The combined signage that would exist on an interim basis on each facade would not exceed the maximum area limitations set out by the Ministry. However, approval from the Ministry will be required prior to the issuance of both the temporary and permanent sign permits.

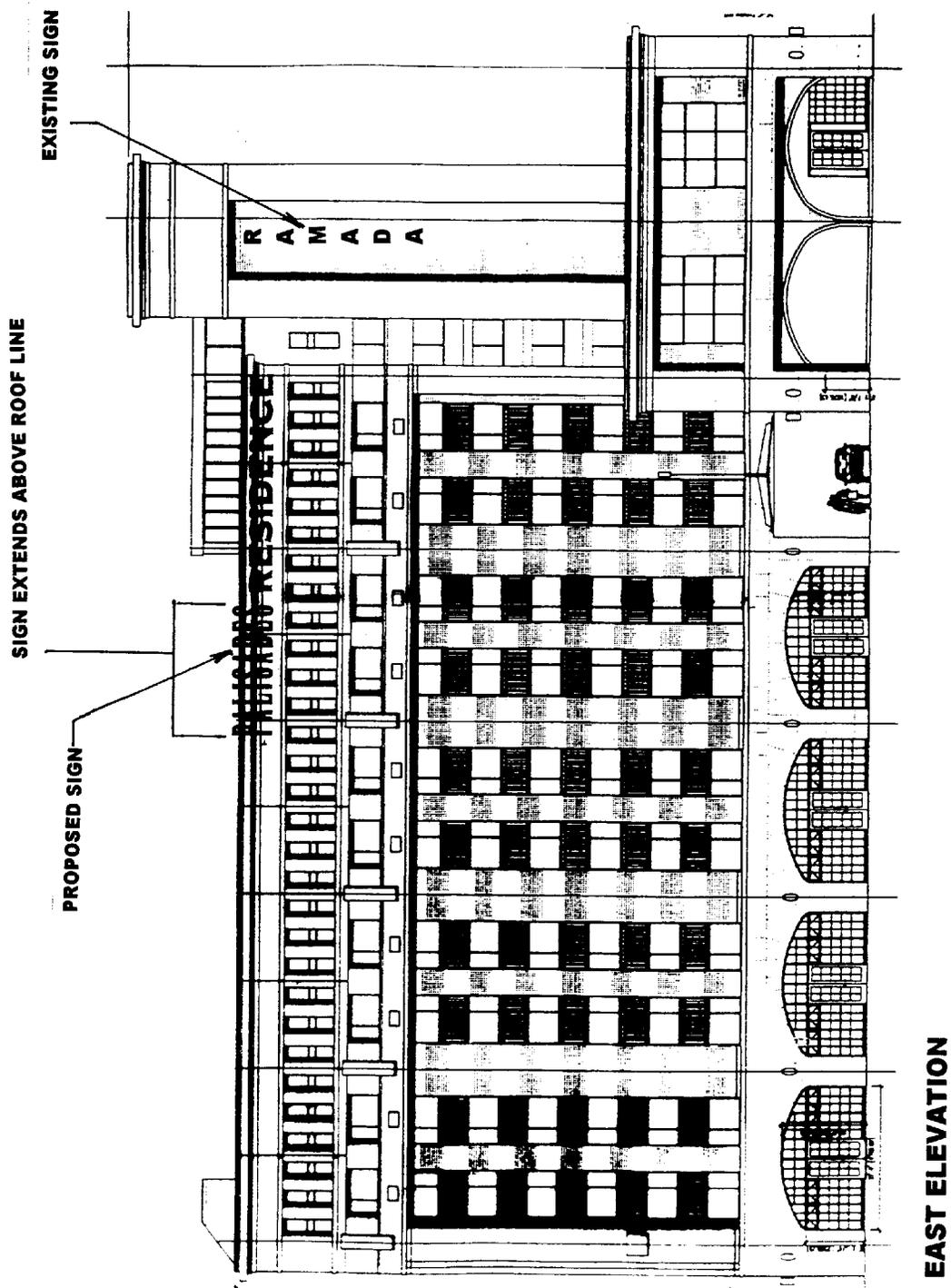
LOCATION PLAN



ELEVATION DRAWING (WEST)



ELEVATION DRAWING (EAST)



PHOTOGRAPHS



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December 15, 1999

ACS1999-PW-PLN-0185  
(File: JPD4840CARI 01638)

Department of Urban Planning and Public Works

Ward/Quartier  
OT7 - Kitchissippi

- Planning and Economic Development Committee / Comité de l'urbanisme et de l'expansion économique
- City Council / Conseil municipal

Action/Exécution

#### **14. Signs By-law Minor Variance - 1638 Carling Avenue**

#### **Dérogradation mineure de l'Arrêté municipal sur Les enseignes - 1638, Rue Carling**

#### **Recommendation**

That the application to vary the Signs By-law 311-90, to permit relief from the maximum area, dimension and location limitations of the by-law to install a third ground mounted identification sign adjacent to Carling Avenue, as detailed in Document 2 and illustrated in Documents 4 and 5, be REFUSED.



December 16, 1999 (3:02p)

Edward Robinson  
Commissioner of Urban Planning and Public Works

DRB:drb

Contact: Don Brousseau- 244-5300 ext. 1-3118



December 17, 1999 (10:19a)

Approved by  
John S. Burke  
Chief Administrative Officer

#### **Financial Comment**

N/A.



December 16, 1999 (2:35p)

for Mona Monkman  
City Treasurer

BH:cds

## Executive Report

### Reasons Behind Recommendation

The site description, context and specific details are available for review as Supplementary Information within Documents 1 and 2.

The applicant is requesting relief from the sign face area, dimension height and location provisions of the by-law, to install a third ground mounted identification pylon sign adjacent to Carling Avenue for the purposes of exclusively identify the “Volvo” automobile dealership.

The property, which is located on the south side of Carling Avenue between Clyde Avenue and Churchill Avenue, is zoned CD3 that permits to subject use. Area land use is similar retail commercial and office. Currently, there are two main identification pylon signs and a directional information ground sign. The property is occupied by two linked buildings known municipally as 1622 and 1638 Carling Avenue. The building at 1622 Carling is occupied by a Mazda dealership which is identified by one main pylon sign. The second building at 1638 is occupied by a Mercedes and Volvo dealership. This building is also currently signed with one main pylon sign identifying Mercedes only. The applicant would like to install a third sign adjacent to the existing signs at 1638 Carling Avenue to exclusively identify “Volvo”.

The by-law requires that, when multiple ground mounted signs are located on the same property, there must be a minimum separation between the signs of 30.4 metres. The proposal would require a reduction in the minimum separation to 22.0 metres. The maximum permitted sign face area is determined by a factor of the property frontage. In this case, the new sign would require an area increase of 23%. The maximum height of a sign is a factor of the permitted area and the new sign would require a height increase of 41.3%. Finally, all ground signs must be setback from the front property line a minimum 1 metre, whereas the proposal is to locate the sign within .6 metres.

The intent of the by-law is to permit adequate identification/advertising for businesses based on the scale of the property. The purpose of the by-law is also to prevent un-necessary sign proliferation as a result of excessive signage either in terms of scale or numbers. Typically, adequate signage equates to one pylon sign per property per street frontage. If there is more than one building on the property and the buildings are occupied by multiple tenants, every effort is made to combine occupant identification onto one pylon sign, as for example, in a plaza or shopping mall. In this regard, the by-law attempts to avoid visual clutter as has been the experience on Bank Street between Heron and Walkley Roads. In this particular case, each building is considered to be more than adequately signed through the use of both the two existing ground signs and wall signage. As illustrated in Document 6, the large ground sign located adjacent to 1638 Carling Avenue currently displays only the Mercedes Benz

logo. As such, there is ample space of the existing sign structure to include the “Volvo” sign and/or logo.

In light of the above, it is the opinion of the Department that the applicant has not demonstrated extenuating circumstance that would warrant approval of the requested minor variance. Therefore, approval would not be consistent with the intent and purpose of the by-law.

### **Consultation**

In response to the standard early notification to area businesses and business/community groups, three responses all in support of the application as submitted were received. The Ward Councillor is aware of the application.

### **Disposition**

The Department of Corporate Services, Statutory Services Branch is to notify the applicant, Lumipro Inc., 581 Avenue Lepine, Dorval, Quebec, H9P 2R2, and the tenant Carling Motors, 1638 Carling Avenue, Ottawa, Ontario, K2A 1C5, of City Council’s decision.

### **List of Supporting Documentation**

- Document 1     Fact Sheet
- Document 2     Details of Requested Minor Variance and Consultation Details
- Document 3     Location Plan
- Document 4     Site Plan
- Document 5     Elevation Drawing
- Document 6     Photographs

## Part II - Supporting Documentation

### FACT SHEET

Document 1

Signs By-law - Minor Variance  
Address - 1638 Carling Avenue  
JPD4840/CARL 01638

Current Zoning:	CD3[483] F(1.0) H(22.0)
Sign Level Use:	Level 3
Defined Special Signage Area:	N/A
Existing Development/Use:	Vehicle Sales and Service
Site Plan Control (Cross Reference):	OSP1985-115
Existing Signs Under Permit: (For the Subject Occupancy)	2 - Pylon signs and 1 - direction info ground sign
<b>Requested:</b>	<b>Permitted or Maximum allowable:</b>
Type: On-Premises ground sign	Permitted
Classification: Identification sign	Permitted
Area of Face: 1 @ 3.86 square metres	Not Permitted - (Maximum available with existing signs is .71 square metres)
Location: Within 22 metres of the existing sign Within .46 metres of the front property line	Not Permitted - Min.30 metre setback Not Permitted - Min. setback 1 metre
Dimension: Proposed height 6.1 metres	Not Permitted - Max. 4.3 metres.
Illumination: Proposed	Permitted.

**Details of Requested Minor Variance**

Relief from Articles 1.1.2.1., 1.1.2.3., and paragraphs 1.1.3.3.(c) and 1.1.4.1.(b) of Schedule A of By-law 311-90, as amended, to permit an on-premises identification ground sign that:

- is setback from the front property line .46 metres,
- is located within 22 metres of an adjacent identification ground sign located on the same property,
- has a maximum area limitation of 3.86 square metres, and
- has a maximum dimension height limitation of 6.1 metres.

**Consultation Details**

In response to the early notification circulation to area businesses within 30 metres plus the Ward Councillor and the Business/Community groups, three responses were received all in support of the application as submitted. No specific comments were provided.

The Ward Councillor is aware of the application.

**Regional Municipality of Ottawa-Carleton**

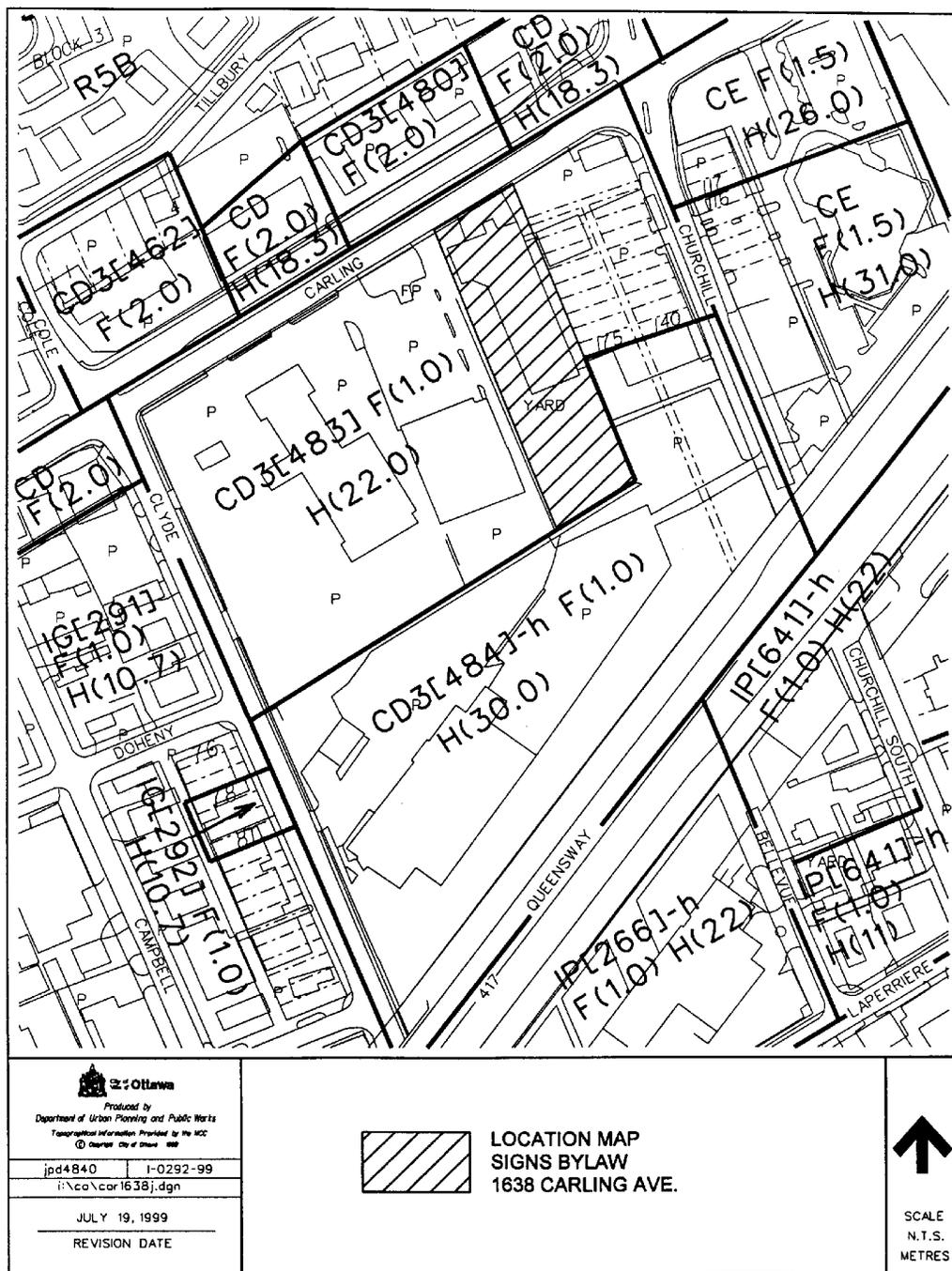
The Regional Environment and Transportation Department has no objections to the subject Signs By-law Minor Variance Application, subject to the following:

- the sign must be located on private property, but not less than 20 metres from the existing centerline of Carling Avenue. (Regional Road No. 38).
- the sign should be a minimum distance of 10 metres from any traffic signal head.

**Departmental Comments**

Issuance of the sign permit will include the conditions set out by the Region.

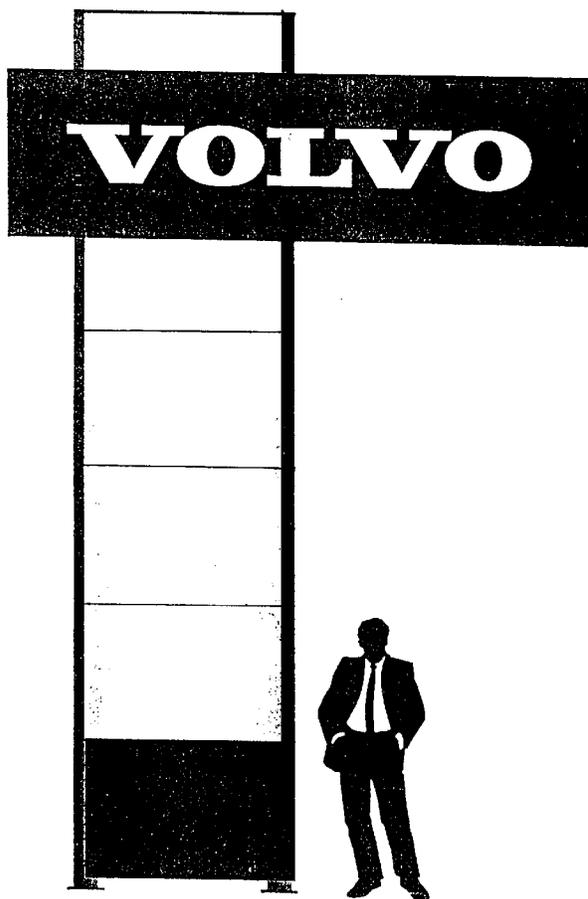
LOCATION PLAN





ELEVATION DRAWING

**VOLVO** ————— 5500 Primary ID Pylon • 20'



Zimmerman Sign Company  
Since 1901

MODEL NUMBER	SIGN DIMENSIONS		SQ. FT.	HT. FROM SIGN TO GRADE	O.A.H. OF SIGN	ELECTRICAL TOTAL AMPS	DESIGNED WINDLOAD
	HEIGHT	LENGTH					
5500	3' 7"	11' 7"	42.6	15' 2 1/2"	20'	7.6	30 PSF

PHOTOGRAPHS



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258

City of  
Ville d'**Ottawa**

November 18, 1999

ACS1999-PW-PLN-0152  
(File: OHA3100/0110)

Department of Urban Planning and Public  
Works

Ward/Quartier  
City Wide

- Local Architectural Conservation  
Advisory Committee / Comité consultatif  
local sur la conservation de l'architecture
  - Planning and Economic Development  
Committee / Comité de l'urbanisme et de  
l'expansion économique
  - City Council / Conseil municipal
- Action/Exécution

### **15. Heritage Plaque Program, 1999**

#### **Programme d'attribution de plaques pour les monuments historiques, 1999**

#### **Recommendation**

That City Council APPROVE the acquisition and installation of 11 heritage plaques and two double-sided heritage conservation district interpretive panels, as listed in Document 1.

November 22, 1999 (8:15a)

Edward Robinson  
Commissioner of Urban Planning and Public  
Works

November 22, 1999 (1:03p)

Approved by  
John S. Burke  
Chief Administrative Officer

SC:sc

Contact: Sally Coutts - 244-5300 ext. 1-3474

#### ***Local Architectural Conservation Advisory Committee Recommendation - December 7, 1999***

- ▶ *The Committee concurs and so recommends, subject to the changes delineated by highlighting or strikeout in Document 1.*

## Financial Comment

Funds in the estimated amount of \$10,000 are available in the Heritage Plaque Program account 0840046-2912 for this purpose.

As completion of the plaque installation is not anticipated until 2000, a contribution to the Reserve for Committed Expenditure for the unpaid balance will be required this year.

An application for millennium funding has been made to partly offset the cost of the 1999 heritage plaques.



November 19, 1999 (3:17p)

for Mona Monkman  
City Treasurer

CP:ari

## Executive Report

### Reasons Behind Recommendation

Policy 11.2.2b) of City of Ottawa Official Plan as approved by Council on May 27 and 28, 1992, outlines the City's Heritage Plaque Programme as follows:

"City Council shall recognize the City's heritage resources by:

- iv) commemorating designated buildings, structures, sites, landscapes, areas, and environments with heritage plaques on an annual basis."

In accordance with this policy, each year owners of individually designated heritage properties that have not yet received plaques are contacted to find out whether they are interested in receiving a bronze heritage plaque. This year, 15 designated property owners were approached and 11 chose to receive a plaque. Usually, about seven plaques are produced each year but the number has been increased this year in anticipation of the receipt of millennium funding.

There are approximately 200 buildings in Ottawa that are designated under Part IV of the Ontario Heritage Act, of which approximately 163 have plaques. The approval of the attached texts will bring the number of designated buildings with plaques up to 174, leaving approximately 26 buildings without plaques. Many remaining buildings belong to building

owners reluctant to accept a plaque.

The buildings proposed to receive plaques his year are:

Former Ottawa Ladies College, 268 First Avenue  
Ottawa New Edinburgh Club, 501 Rockcliffe Park Driveway  
89-91 Murray Street  
Rochon House, 138 St. Patrick Street  
Valade House, 142 St. Patrick Street  
Archambault House, 221-223 St. Andrew Street  
Former Bank of Montreal, 294 Bank Street  
Mosgrove School, 2976 Richmond Road  
310 Cooper Street  
Powers House, 429 Bay Street  
Mutchmor Public School, 185 Fifth Avenue.

Each draft plaque text is circulated to the selected property owners for comment. A subcommittee of LACAC then reviews the plaque texts. The final versions of this year's plaques are included as Document 1. The plaques will be presented on Heritage Day, February 21, 2000.

## Consultation

Each owner of an individually-designated property identified to receive a plaque for 1999 was contacted to find out if they were interested in receiving a plaque and will be consulted on the final text before the plaque is cast. A sub-committee of LACAC also reviewed the draft plaque texts.

## Disposition

Department of Corporate Services to prepare tender documents and to award tender.

Department of Urban Planning and Public Works to arrange for the presentation and installation of the plaques.

## List of Supporting Documentation

Document 1    Plaque Texts

## Part II - Supporting Documentation

Plaque Texts

Document 1

1912-1914

### FORMER OTTAWA LADIES COLLEGE

WITH ITS RED BRICK, STEEPLY PITCHED ROOF AND LARGE WOODEN BRACKETS, THE FORMER OTTAWA LADIES COLLEGE CONTINUES TO CONTRIBUTE TO THE HISTORIC GLEBE NEIGHBOURHOOD. CONSTRUCTED BETWEEN 1912 AND 1914, TO DESIGNS BY LOCAL ARCHITECT ALLAN KEEFER, THIS BUILDING HAS ALSO SERVED AS AN ARMY BARRACKS FOR THE CANADIAN WOMEN'S ARMY CORPS, CARLETON COLLEGE AND AS AN ADMINISTRATION BUILDING FOR THE OTTAWA BOARD OF EDUCATION. IT WAS CONVERTED INTO APARTMENTS IN 1999.

### L'ANCIEN COLLÈGE POUR FILLES D'OTTAWA

AVEC SES MURS DE BRIQUE ROUGE, SON TOIT EN PENTE ACCENTUÉE ET SES GROSSES CONSOLES EN BOIS, L'ANCIEN COLLÈGE POUR FILLES D'OTTAWA CONTINUE D'AJOUTER AU CARACTÈRE HISTORIQUE DU QUARTIER DU GLEBE. CONSTRUIT ENTRE 1912 ET 1914, SUIVANT LES PLANS DE L'ARCHITECTE LOCAL ALLAN KEEFER, CET ÉDIFICE A SERVI PAR LA SUITE DE CASERNE POUR LE SERVICE FÉMININ DE L'ARMÉE CANADIENNE DU COLLÈGE CARLETON ET DE BÂTIMENT ADMINISTRATIF POUR LE CONSEIL SCOLAIRE D'OTTAWA. IL A ÉTÉ TRANSFORMÉ EN APPARTEMENTS EN 1999.

1914-1923

## OTTAWA NEW EDINBURGH CLUB

DESIGNED BY LOCAL ARCHITECT C.P. MEREDITH, THE OTTAWA NEW EDINBURGH CLUB BOATHOUSE WAS BUILT BETWEEN 1914 AND 1923. THE BUILDING'S CLAPBOARD CLADDING, WIDE VERANDAHS, PLENTIFUL WINDOWS, SIMPLE, UNDECORATED FACADES AND BOAT STORAGE AREA REFLECT ITS RECREATIONAL FUNCTION. ~~THE OTTAWA NEW EDINBURGH CLUB IS ONE OF FOUR REMAINING BOATHOUSES OF THIS TYPE IN CANADA.~~ THE BOATHOUSE IS ONE OF FOUR REMAINING STRUCTURES IN CANADA THAT COMBINE BOAT STORAGE AND CLUB HOUSE FACILITIES..

## LE HANGAR À BATEAUX DU CLUB OTTAWA NEW EDINBURGH

CONÇU PAR L'ARCHITECTE LOCAL C. P. MEREDITH, LE HANGAR À BATEAUX DU CLUB OTTAWA NEW EDINBURGH A ÉTÉ CONSTRUIT ENTRE 1914 ET 1923. LE BARDAGE À CLIN DE SES MURS, SES VASTES VÉRANDAS, SES NOMBREUSES FENÊTRES, SES FAÇADES SIMPLES ET DÉGAGÉES ET L'AIRE D'ENTREPOSAGE DES BATEAUX ATTESTENT DE LA FONCTION RÉCRÉATIVE DU BÂTIMENT. CE HANGAR À BATEAUX EST L'UN DES QUATRE BÂTIMENTS DU GENRE QUI SUBSISTENT AU CANADA.

1876

## 89-91 MURRAY STREET

BUILT IN 1876 BY LOCAL MERCHANT AND BUTCHER JOHN HILLIARD, THE DESIGN OF THIS WELL-PROPORTIONED STRUCTURE, FEATURING A SIDE-GABLED ROOF, CENTRALLY LOCATED DOORWAYS AND A BRICK VENEER FRONT FACADE, REFLECTS THE BRITISH CLASSICAL TRADITION. IT IS A GOOD EXAMPLE OF THE TYPE OF DOUBLE DWELLING COMMON IN LOWERTOWN IN THE 19TH CENTURY, BUT RELATIVELY RARE TODAY. IT WAS RESTORED AND CONVERTED TO COMMERCIAL USE IN 1977-78.

## 89-91, RUE MURRAY

L'ARCHITECTURE DE CET ÉDIFICE BIEN PROPORTIONNÉ, AVEC SES PIGNONS LATÉRAUX, SES ENTRÉES DE PORTE CENTRÉES ET LE PAREMENT DE BRIQUE DE SA FAÇADE, CONSTRUIT EN 1876 PAR LE MARCHAND ET BOUCHER LOCAL JOHN HILLIARD, EST INSPIRÉE DU STYLE CLASSIQUE BRITANNIQUE. IL CONSTITUE UN BEL EXEMPLE DU GENRE D'HABITATIONS À DEUX LOGEMENTS, PLUTÔT RARES DE NOS JOURS, QUE L'ON AVAIT L'HABITUDE DE CONSTRUIRE AU XIX<sup>e</sup> SIÈCLE DANS LA BASSE-VILLE. IL A ÉTÉ RESTAURÉ ET TRANSFORMÉ EN IMMEUBLE COMMERCIAL EN 1977-1978.

C. 1832

## ROCHON HOUSE

THIS ~~DIMINUTIVE~~ MODEST WOOD HOUSE IS A RARE SURVIVING EXAMPLE OF A LOWERTOWN COTTAGE. ~~ORIGINALLY OWNED BY DR. JEREMIAH MCCARTHY, IT~~ ITS FIRST ACCOMMODATED OCUPANTS WERE THE GREY NUNS, FOUNDERS OF THE OTTAWA GENERAL HOSPITAL. MASTER CARPENTER FLAVIEN ROCHON, ~~CREATOR OF THE INTRICATE WOOD CARVINGS IN NOTRE-DAME BASILICA AND THE LIBRARY OF PARLIAMENT,~~ WHOSE INTRICATE WOOD CARVINGS GRACE NOTRE DAME BASILICA AND THE LIBRARY OF PARLIAMENT, LIVED HERE AT THE HEIGHT OF HIS CAREER. THE HOUSE REMAINED IN HIS FAMILY FOR NEARLY NINETY YEARS.

## LA MAISON ROCHON

CETTE MODESTE HABITATION DE BOIS CONSTITUE L'UN DES RARES EXEMPLES QUI SUBSISTENT DE MAISONS SIMPLES TYPIQUES DE LA BASSE-VILLE. À L'ORIGINE, ELLE A ACCUEILLI LES SOEURS GRISES, FONDATRICES DE L'HÔPITAL GÉNÉRAL D'OTTAWA. PAR LA SUITE, FLAVIEN ROCHON, MAÎTRE-MENUISIER ET CRÉATEUR DES SCULPTURES SUR BOIS ORNANT LA BASILIQUE NOTRE-DAME AINSI QUE LA BIBLIOTHÈQUE DU PARLEMENT, Y A VÉCU LORSQU'IL ÉTAIT AU FAÎTE DE SA CARRIÈRE. CETTE MAISON EST DEMEURÉE LA PROPRIÉTÉ DE LA FAMILLE DU SCULPTEUR DURANT PRÈS DE QUATRE-VINGT-DIX ANS.

1862

## VALADE HOUSE

~~DR. FRANÇOIS-XAVIER VALADE, ONE OF THE PHYSICIANS WHO EXAMINED LOUIS RIEL TO DETERMINE HIS SANITY BEFORE HIS 1885 TRIAL, LIVED AND WORKED IN THIS DISTINGUISHED STONE HOUSE FROM 1866 UNTIL HIS DEATH IN 1918. THE HANDSOME VERANDAH, FOR WHICH THE HOUSE WAS NICKNAMED THE “BALCON BLANC,” AND THE FINE CLASSICAL DOOR FRAMES SET THIS HOME APART FROM OTHERS OF ITS TIME.~~

FROM 1866 UNTIL 1918 THIS DISTINGUISHED STONE BUILDING WAS THE HOME AND OFFICE OF DR. FRANCOIS-XAVIER VALADE, ONE OF THE PHYSICIANS WHO EXAMINED LOUIS RIEL TO DETERMINE HIS SANITY BEFORE HIS 1885 TRIAL. THE HANDSOME VERANDAH, FOR WHICH THE HOUSE WAS NICKNAMED THE “BALCON BLANC,” AND THE FINE CLASSICAL DOOR FRAMES SET THIS HOME APART FROM OTHERS OF ITS TIME.

## LA MAISON VALADE

DE 1866 À 1918, CETTE ÉLÉGANTE MAISON DE PIERRE A ÉTÉ LA RÉSIDENCE ET LE CABINET DU DOCTEUR FRANÇOIS-XAVIER VALADE, L’UN DES MÉDECINS CHARGÉS D’EXAMINER LOUIS RIEL POUR DÉTERMINER SI SON ÉTAT MENTAL LE RENDAIT APTE À SUBIR SON PROCÈS EN 1885. LA COQUETTE VÉRANDA DE CETTE DEMEURE, QUI LUI A VALU D’ÊTRE CONNUE SOUS LE NOM DE MAISON AU « BALCON BLANC », AINSI QUE SES ENCADREMENTS DE PORTE D’UN BEAU CLASSICISME, FONT QUE CETTE MAISON SE DISTINGUE DES AUTRES DE L’ÉPOQUE.

1875

## ARCHAMBAULT HOUSE

THIS ~~VERNACULAR~~ ONE-AND-A-HALF STOREY, FRONT-GABLED STRUCTURE, WITH ITS WELL- PRESERVED CLAPBOARD, IS DECORATED WITH MODEST SCROLLWORK BARGEBOARD AND A FINIAL. CONSTRUCTED IN 1875 BY ODILLON ARCHAMBAULT, ~~A JOINER AND~~ A MESSENGER FOR THE CIVIL SERVICE, THIS WELL PROPORTIONED DOUBLE DWELLING IS TYPICAL OF HOUSES BUILT, OWNED AND OCCUPIED BY THE WORKING CLASS IN LOWERTOWN.

## LA MAISON ARCHAMBAULT

CETTE HABITATION D'UN ÉTAGE ET DEMI, AVEC SA FAÇADE SURMONTÉE D'UN PIGNON ET SON RECOUVREMENT À CLIN FORT BIEN PRÉSERVÉ, EST ORNÉE D'UNE MODESTE BORDURE DE RIVE EN VOLUTES ET D'UN FLEURON. CONSTRUITE EN 1875 PAR ODILLON ARCHAMBAULT, MENUISIER ET ÉGALEMENT MESSENGER À LA FONCTION PUBLIQUE, CETTE HABITATION À DEUX LOGEMENTS EST REPRÉSENTATIVE DU GENRE DE MAISONS CONSTRUITES ET HABITÉES PAR LES GENS DE LA CLASSE OUVRIÈRE DANS LA BASSE-VILLE.

1908-1909

## FORMER BANK OF MONTREAL

DESIGNED BY LOCAL ARCHITECTURAL FIRM KEEFER & WEEKS, THE BANK OF MONTREAL BUILT THIS SECONDARY NEIGHBOURHOOD BRANCH TO SERVE CENTRETOWN'S EMERGING RESIDENTIAL AND COMMERCIAL COMMUNITY. CONSTRUCTED OF LIMESTONE AND BRICK, ITS INTRICATELY DECORATED WINDOWS, DORIC COLUMNS AND CARVED ENTABLATURE SHOW THE INFLUENCE OF THE BEAUX-ARTS STYLE. THE BANK WAS CLOSED AND CONVERTED INTO A CAFÉ IN 1978. IN 1991 IT WAS INCORPORATED INTO HARTMAN'S, "YOUR INDEPENDENT GROCER." A GROCERY STORE.

## L'ANCIENNE BANQUE DE MONTRÉAL

CONÇUE PAR LE CABINET D'ARCHITECTES KEEFER & WEEKS, CETTE SUCCURSALE DE QUARTIER A ÉTÉ CONSTRUITE PAR LA BANQUE DE MONTRÉAL EN 1908-1909 POUR DESSERVIR SA CLIENTÈLE RÉSIDENTIELLE ET COMMERCIALE CROISSANTE DU CENTRE-VILLE. LA DÉCORATION ÉLABORÉE DES FENÊTRES DE CET ÉDIFICE EN PIERRE CALCAIRE ET EN BRIQUE, AINSI QUE SES COLONNES DORIQUES SURMONTÉES D'UN ENTABLEMENT SCULPTÉ, TÉMOIGNENT DE L'INFLUENCE DU STYLE BEAUX-ARTS. CETTE SUCCURSALE A ÉTÉ FERMÉE EN 1978, ET L'IMMEUBLE A ALORS ÉTÉ TRANSFORMÉ EN CAFÉ. EN 1991, IL A ÉTÉ INTÉGRÉ À UN MARCHÉ ALIMENTAIRE.

1887

## MOSGROVE SCHOOL

NAMED AFTER WILLIAM MOSGROVE, A CARLETON COUNTY JUDGE, ~~THE~~ **THIS** FORMER ~~S.S. NO. 3-NEPEAN~~ **TOWNSHIP SCHOOL** WAS BUILT IN 1887. THE GABLE-ROOFED STRUCTURE, ~~CONSTRUCTED FROM~~ **BUILT OF** LOCAL FIELDSTONE, IS A TYPICAL EXAMPLE OF A LATE 19TH CENTURY ONE-ROOM SCHOOLHOUSE. CLOSED IN 1922, IT WAS SOLD TO A LOCAL FAMILY AND CONVERTED INTO A HOUSE. IN 1986 IT WAS INTEGRATED INTO ~~MOSGROVE COURT, A UNIQUE DEVELOPMENT OF CONDOMINIUMS~~ **A CONDOMINIUM DEVELOPMENT**.

## L'ANCIENNE ÉCOLE MOSGROVE

NOMMÉE EN L'HONNEUR DU JUGE WILLIAM MOSGROVE DU COMTÉ DE CARLETON, CETTE ANCIENNE ÉCOLE DU CANTON DE NEPEAN A ÉTÉ CONSTRUITE EN 1887. L'ÉDIFICE SURMONTÉ D'UN TOIT À PIGNON ET CONSTRUIT EN PIERRES DES CHAMPS CONSTITUE UN BEL EXEMPLE DES ÉCOLES À CLASSE UNIQUE DE LA FIN DU XIX<sup>e</sup> SIÈCLE. FERMÉE EN 1922, L'ÉCOLE A ÉTÉ VENDUE À UNE FAMILLE DE LA LOCALITÉ, QUI L'A TRANSFORMÉE EN HABITATION. ELLE A ÉTÉ INTÉGRÉE EN 1986 À UN ENSEMBLE D'HABITATIONS EN COPROPRIÉTÉ.

C. 1879-1880 1874

310 COOPER

THIS BRICK RESIDENCE HOUSE WAS BUILT DURING THE POST-CONFEDERATION BUILDING BOOM TO ACCOMMODATE THE RAPIDLY INCREASING NUMBER OF CIVIL SERVANTS IN CENTRETOWN ERA WHEN OTTAWA WAS BEGINNING TO EXPAND TO THE SOUTH. HIGHLIGHTED BY ITS ONE STOREY BAY WINDOW, ORNATELY CUT BARGEBOARD AND DECORATIVE BRICK WORK, THIS HOUSE DWELLING ADDS TO THE HARMONY AND HISTORIC CHARACTER OF CENTRETOWN.

310, RUE COOPER

CETTE MAISON DE BRIQUE A ÉTÉ CONSTRuite DANS LA PÉRIODE QUI A SUIVI LA CONFÉDÉRATION CANADIENNE, MARQUÉE PAR L'EXPANSION D'OTTAWA VERS LE SUD. CARACTÉRISÉE PAR SA FENÊTRE EN BAIE SUR UN ÉTAGE, L'ORNEMENTATION DÉCOUPÉE DE SA BORDURE DE RIVE ET SON REVÊTEMENT DE BRIQUE DÉCORATIF, CETTE MAISON AJOUTE À L'HARMONIE ET AU CARACTÈRE HISTORIQUE DU CENTRE-VILLE.

C. 1887 (1915)

### POWERS HOUSE

ORIGINALLY BUILT CIRCA 1887 FOR BUSINESSMAN PATRICK J. POWERS, THIS HOUSE WAS ~~REBUILT~~ TRANSFORMED IN 1915 BY PROMINENT LOCAL ARCHITECT FRANCIS C. SULLIVAN. ~~INFLUENCED BY AMERICAN ARCHITECT FRANK LLOYD WRIGHT'S DISTINCTIVE PRAIRIE STYLE,~~ SULLIVAN CREATED A CANADIAN VERSION THAT FEATURED SMALLER, MORE COMPACT BUILDINGS WITH A MORE VERTICAL CHARACTER THAN ~~WRIGHT'S~~. SULLIVAN CREATED A CANADIAN VERSION OF AMERICAN ARCHITECT FRANK LLOYD WRIGHT'S DISTINCTIVE PRAIRIE STYLE IN THE PERIOD BEFORE THE FIRST WORLD WAR. THIS HOUSE IS DISTINGUISHED BY ITS WIDE EAVES, HORIZONTAL WOOD BANDS, STUCCO FINISH AND DISTINCTIVE DETAILING.

### LA MAISON POWERS

ÉRIGÉE À L'ORIGINE VERS 1887 POUR L'HOMME D'AFFAIRES PATRICK J. POWERS, CETTE MAISON A ÉTÉ TRANSFORMÉE PAR L'ÉMINENT ARCHITECTE LOCAL FRANCIS C. SULLIVAN EN 1915. PENDANT LA PÉRIODE PRÉCÉDANT LA PREMIÈRE GUERRE MONDIALE, SULLIVAN A ÉTÉ LE CRÉATEUR D'UNE VERSION CANADIENNE DU STYLE « PRAIRIE » DE L'ARCHITECTE AMÉRICAIN FRANK LLOYD WRIGHT. CETTE MAISON SE DISTINGUE PAR SON LARGE AVANT-TOIT, SES BANDES DE BOIS HORIZONTALES, SON REVÊTEMENT DE STUC ET SES DÉTAILS PARTICULIERS.

1893

## MUTCHMOR PUBLIC SCHOOL

MUTCHMOR PUBLIC SCHOOL, CONSTRUCTED IN 1893, MUTCHMOR PUBLIC SCHOOL IS ONE OF THREE REMAINING 19<sup>TH</sup> CENTURY PUBLIC SCHOOLS IN OTTAWA. DESIGNED BY ARCHITECT E.L. HORWOOD, WITH ADDITIONS IN 1911, 1920 AND 1980, ITS IMPRESSIVE FRONT ENTRANCE, INTRICATE BRICKWORK AND STONE TRIM MAKE IT A GOOD EXAMPLE OF THE ROMANESQUE REVIVAL STYLE. THE SCHOOL HAS ALWAYS BEEN AN IMPORTANT COMMUNITY LANDMARK AND SOURCE OF CIVIC PRIDE SINCE ITS COMPLETION.

## L'ÉCOLE PUBLIQUE MUTCHMOR

CONSTRUITE EN 1893, L'ÉCOLE PUBLIQUE MUTCHMOR EST L'UN DES TROIS BÂTIMENTS DU GENRE DATANT DU XIX<sup>e</sup> SIÈCLE QUI SUBSISTENT À OTTAWA. SON IMPRESSIONNANTE ENTRÉE PRINCIPALE, SA MAÇONNERIE EN BRIQUES ÉLABORÉE ET SES PIERRES D'ORNEMENT FONT DE CETTE OEUVRE DE L'ARCHITECTE E. L. HORWOOD, AVEC SES RAJOUTS DE 1911, 1920 ET 1980, UN BEL EXEMPLE DU RENOUVEAU DE L'ART ROMAN TARDIF. CETTE ÉCOLE A TOUJOURS ÉTÉ UN IMPORTANT ÉLÉMENT DE LA VIE DU QUARTIER ET UNE SOURCE DE FIERTÉ CIVIQUE.

1909

**MACKAY UNITED CHURCH**

FOUNDED AS NEW EDINBURGH PRESBYTERIAN CHURCH IN 1875, THIS CHURCH BECAME MACKAY PRESBYTERIAN IN 1901 AND, UPON CHURCH UNION IN 1925, MACKAY UNITED CHURCH. THE PRESENT CHURCH, BUILT IN 1909-1910 TO REPLACE AN EARLIER STRUCTURE, WAS DESIGNED BY ARCHITECT H.F. BALLANTYNE. ITS PROMINENT CORNER LOCATION AND HANDSOME ROMANESQUE REVIVAL DETAILS SUCH AS THE TRIPLE-ARCHED ENTRANCE PORTAL AND ROUND-HEADED WINDOWS MAKE IT A SIGNIFICANT LANDMARK.

**L'ÉGLISE UNIE MACKAY**

CETTE ÉGLISE, APPELÉE L'ÉGLISE PRESBYTÉRIENNE DE NEW EDINBURGH À SA FONDATION EN 1875, PUIS L'ÉGLISE PRESBYTÉRIENNE MACKAY EN 1901, EST DEVENUE L'ÉGLISE UNIE MACKAY À LA SUITE DE L'UNION DES ÉGLISES EN 1925. L'ÉDIFICE ACTUEL, CONSTRUIT EN 1909-1910 POUR REMPLACER UN BÂTIMENT PLUS ANCIEN, A ÉTÉ CONÇU PAR L'ARCHITECTE H. F. BALLANTYNE. PAR SON EMPLACEMENT DOMINANT SUR UNE PARCELLE D'ANGLE ET SES TRÈS BEAUX ÉLÉMENTS DE STYLE NÉO-ROMAN, TEL QU'UN PORTAIL EN TROIS ARCS ET TROIS HAUTES FENÊTRES À ARC EN PLEIN CINTRE, CETTE ÉGLISE CONSTITUE UN IMPORTANT POINT DE REPÈRE.

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SANDY HILL WEST HERITAGE CONSERVATION DISTRICT

THE INITIAL GROWTH OF SANDY HILL WEST, ON LAND THAT WAS GRANTED TO LOUIS BESSERER IN 1828, WAS SLOW UNTIL OTTAWA WAS CHOSEN AS THE NEW CAPITAL OF THE UNITED CANADAS IN 1857. ALTHOUGH BESSERER WISHED TO PROFIT FROM THE SALE OF HIS HOLDINGS BY SELLING RESIDENTIAL LOTS, HE CONVEYED SIX LOTS TO THE ROMAN CATHOLIC DIOCESE TO SERVE AS THE FUTURE SITE OF BYTOWN COLLEGE, THE FIRST BILINGUAL EDUCATIONAL INSTITUTION IN CANADA.

WITH THE RAPID INCREASE OF THE CITY'S POPULATION, SANDY HILL WEST'S LOTS WERE QUICKLY BOUGHT UP BY SPECULATORS AND DEVELOPED WITH A HANDSOME MIX OF HOUSING TO MEET THE DEMANDS OF THE GROWING MIDDLE CLASS. THE UNIVERSITY OF OTTAWA, WHICH EMERGED FROM BYTOWN COLLEGE, EXPANDED WITH THE CONSTRUCTION OF ITS LANDMARK FACILITY, TABARET HALL, IN 1904.

SANDY HILL WEST HAS REMAINED REMARKABLY STABLE IN ITS PHYSICAL FORM, IN SPITE OF MAJOR CHANGES TO ITS CHARACTER SUCH AS THE SUBDIVISION OF LARGE HOUSES INTO APARTMENTS, AND THE CONSTRUCTION OF LOW-RISE APARTMENT BUILDINGS. IN AN AREA WHERE RELIGIOUS AND CULTURAL INSTITUTIONS CONTINUE TO BE A MAJOR FORCE, THE HERITAGE RESIDENTIAL QUALITY HAS BEEN MAINTAINED BY COMMUNITY INVOLVEMENT IN THE CONSERVATION OF ITS HISTORIC CHARACTER. SANDY HILL WEST CONTINUES TO REPRESENT AN UNUSUALLY RICH CROSS-SECTION OF ONE HUNDRED AND FIFTY YEARS OF OTTAWA ARCHITECTURE. THE CITY OF OTTAWA DESIGNATED SANDY HILL WEST AS A HERITAGE CONSERVATION DISTRICT IN 1994.

SANDY HILL WEST IS LOCATED ON A PORTION OF THE LAND BOUNDED BY RIDEAU STREET, THE RIDEAU RIVER, LAURIER AVENUE AND WALLER STREET THAT WAS GRANTED TO LOUIS BESSERER IN 1828. BESSERER MOVED TO OTTAWA IN THE EARLY 1840S HOPING TO PROFIT FROM THE SALE OF HIS HOLDINGS FOR RESIDENTIAL PURPOSES. IN 1845 HE CONVEYED SIX OF HIS RESIDENTIAL LOTS TO THE ROMAN CATHOLIC DIOCESE TO SERVE AS THE FUTURE SITE OF BYTOWN COLLEGE. WITH THE RAPID INCREASE OF THE NEW CAPITAL'S POPULATION, LOTS IN SANDY HILL WEST WERE QUICKLY BOUGHT UP BY SPECULATORS AND DEVELOPED WITH A HANDSOME MIX OF HOUSING TO MEET THE DEMANDS OF THE GROWING MIDDLE CLASS. THE UNIVERSITY OF OTTAWA, WHICH EMERGED FROM BYTOWN COLLEGE, CONTINUED TO DOMINATE THE NEIGHBOURHOOD THROUGH EXPANSION AND THE CONSTRUCTION OF ITS LANDMARK FACILITY, TABARET HALL, IN 1904.

IN SPITE OF MAJOR CHANGES TO ITS CHARACTER SUCH AS THE SUBDIVISION OF LARGE HOUSES INTO APARTMENTS AND THE CONSTRUCTION OF LOW-RISE

APARTMENTS BUILDINGS, SANDY HILL WEST HAS REMAINED FAITHFUL TO ITS ORIGINAL PHYSICAL FORM. IN AN AREA WHERE RELIGIOUS AND CULTURAL INSTITUTIONS CONTINUE TO BE A MAJOR FORCE, THE HERITAGE RESIDENTIAL QUALITY HAS BEEN MAINTAINED BY COMMUNITY INVOLVEMENT IN THE CONSERVATION OF ITS HISTORIC CHARACTER. THIS AREA CONTINUES TO REPRESENT AN UNUSUALLY RICH CROSS-SECTION OF ONE HUNDRED AND FIFTY YEARS OF OTTAWA ARCHITECTURE. THE CITY OF OTTAWA DESIGNATED SANDY HILL WEST AS A HERITAGE CONSERVATION DISTRICT IN 1994.

## DISTRICT DE CONSERVATION DU PATRIMOINE DE LA CÔTE-DE-SABLE OUEST

AVANT QU'OTTAWA SOIT CHOISIE COMME NOUVELLE CAPITALE DU CANADA-UNI EN 1857, LA CROISSANCE DE LA CÔTE-DE-SABLE OUEST, SUR LES TERRES CÉDÉES À LOUIS BESSERER EN 1828, AVAIT ÉTÉ PLUTÔT LENTE. TOUT EN SOUHAITANT PROFITER DE LA VENTE DE TERRAINS À DES FINS RÉSIDENTIELLES, BESSERER A CÉDÉ SIX LOTS AU DIOCÈSE CATHOLIQUE ROMAIN EN VUE DE LA CONSTRUCTION DU FUTUR COLLÈGE DE BYTOWN, LE PREMIER ÉTABLISSEMENT D'ENSEIGNEMENT BILINGUE AU CANADA.

À LA FAVEUR DE LA CROISSANCE RAPIDE DE LA POPULATION D'OTTAWA ET DES BESOINS DE LOGEMENT DE SA CLASSE MOYENNE EN EXPANSION, LA CÔTE-DE-SABLE OUEST, OÙ LES LOTS ONT ÉTÉ VITE ACHETÉS PAR DES SPÉCULATEURS, S'EST TRANSFORMÉE EN UN QUARTIER PRÉSENTANT UN BEAU MÉLANGE RÉSIDENTIEL. L'UNIVERSITÉ D'OTTAWA, QUI A SUCCÉDÉ AU COLLÈGE DE BYTOWN, Y A CONSTRUIT SON PRINCIPAL ÉDIFICE, LE PAVILLON TABARET, EN 1904.

L'ASPECT PHYSIQUE DE LA CÔTE-DE-SABLE EST DEMEURÉ REMARQUABLEMENT STABLE, MALGRÉ LES CHANGEMENTS IMPORTANTS QUI ONT MODIFIÉ SON CARACTÈRE, PAR EXEMPLE, L'AMÉNAGEMENT D'APPARTEMENTS DANS BEAUCOUP D'IMPOSANTES RÉSIDENCES ET LA CONSTRUCTION D'IMMEUBLES D'APPARTEMENTS DE FAIBLE HAUTEUR. DANS CE SECTEUR OÙ LES ÉTABLISSEMENTS RELIGIEUX ET D'ENSEIGNEMENT CONSERVENT UNE FORTE PRÉSENCE, LA QUALITÉ PATRIMONIALE RÉSIDENTIELLE A ÉTÉ MAINTENUE GRÂCE À L'ENGAGEMENT DE LA COMMUNAUTÉ À PRÉSERVER SON CARACTÈRE HISTORIQUE. LA CÔTE-DE-SABLE OUEST CONSTITUE ENCORE AUJOURD'HUI UN RICHE ÉCHANTILLON DE L'ARCHITECTURE À OTTAWA DEPUIS UN SIÈCLE ET DEMI. LA CÔTE-DE-SABLE OUEST A ÉTÉ DÉSIGNÉE DISTRICT DE CONSERVATION DU PATRIMOINE PAR LA VILLE D'OTTAWA EN 1994.

## DISTRICT DE CONSERVATION DU PATRIMOINE DE LA CÔTE-DE-SABLE OUEST

LA CÔTE-DE-SABLE OUEST, SITUÉE SUR UNE PARTIE DES TERRES CONCÉDÉES À LOUIS BESSERER EN 1828, EST BORNÉE PAR LA RUE RIDEAU, LA RIVIÈRE RIDEAU, L'AVENUE LAURIER ET LA RUE WALLER. VENU À OTTAWA AU DÉBUT DES ANNÉES 1840 DANS L'ESPOIR DE TIRER PROFIT DE LA VENTE DE SES TERRAINS À DES FINS RÉSIDENTIELLES, BESSERER A CÉDÉ EN 1845 SIX LOTS AU DIOCÈSE CATHOLIQUE ROMAIN EN VUE DE LA CONSTRUCTION DU FUTUR COLLÈGE DE BYTOWN. À LA FAVEUR DE LA CROISSANCE RAPIDE DE LA POPULATION DE LA NOUVELLE CAPITALE, LES LOTS DE LA CÔTE-DE-SABLE OUEST ONT ÉTÉ VITE ACHETÉS PAR DES

SPÉCULATEURS, ET LE SECTEUR S'EST TRANSFORMÉ EN UN QUARTIER PRÉSENTANT UN BEAU MÉLANGE RÉSIDENTIEL RÉPONDANT AUX BESOIN DE LA CLASSE MOYENNE GRANDISSANTE. LE QUARTIER A ÉTÉ MARQUÉ PAR LA PRÉSENCE DE L'UNIVERSITÉ D'OTTAWA, SUCESSEUR DU COLLÈGE DE BYTOWN, QUI N'A CESSÉ DE PRENDRE DE L'EXPANSION ET Y A CONSTRUIT SON PRINCIPAL ÉDIFICE, LE PAVILLON TABARET, EN 1904.

L'ASPECT PHYSIQUE DE LA CÔTE-DE-SABLE OUEST EST DEMEURÉ REMARQUABLEMENT STABLE, MALGRÉ LES CHANGEMENTS IMPORTANTS QUI ONT MODIFIÉ SON CARACTÈRE, TELS QUE L'AMÉNAGEMENT D'APPARTEMENTS DANS BEAUCOUP D'IMPOSANTES RÉSIDENCES ET LA CONSTRUCTION D'IMMEUBLES D'APPARTEMENTS DE FAIBLE HAUTEUR. DANS CE SECTEUR OÙ LES ÉTABLISSEMENTS RELIGIEUX ET CULTURELS CONSERVENT UNE FORTE PRÉSENCE, LA QUALITÉ PATRIMONIALE RÉSIDENTIELLE A ÉTÉ MAINTENUE GRÂCE À L'ENGAGEMENT DE LA COMMUNAUTÉ À PRÉSERVER SON CARACTÈRE HISTORIQUE. LA CÔTE-DE-SABLE OUEST CONSTITUE ENCORE AUJOURD'HUI UN RICHE ÉCHANTILLON DE L'ARCHITECTURE D'OTTAWA DEPUIS UN SIÈCLE ET DEMI. LA CÔTE-DE-SABLE OUEST A ÉTÉ DÉSIGNÉE DISTRICT DE CONSERVATION DU PATRIMOINE PAR LA VILLE D'OTTAWA EN 1994.

## CENTRETOWN HERITAGE CONSERVATION DISTRICT

THIS AREA ~~WEST~~ EAST OF KENT STREET AND BORDERED BY GLOUCESTER STREET, ELGIN STREET AND THE QUEENSWAY CAN BE DESCRIBED AS ONE OF OTTAWA'S EARLY SUBURBS. COMPLICATED LAND HOLDINGS CONCENTRATED RESIDENTIAL DEVELOPMENT IN UPPER TOWN AND THE MARKET AREA DURING OTTAWA'S INITIAL SETTLEMENT ERA. BY THE 1870S, HOWEVER, THE SUBDIVISION AND SALE OF THE ~~BY ESTATE IN CENTRETOWN ALLOWED INTENSE RESIDENTIAL DEVELOPMENT TO PROCEED THERE~~ NORTHERN PART OF CENTRETOWN, KNOWN AS THE BY ESTATE, ALLOWED RESIDENTIAL DEVELOPMENT TO PROCEED.

IN THE EARLY 19<sup>TH</sup> CENTURY THE FORESTED AREA THAT BECAME CENTRETOWN WAS DIVIDED INTO FARM LOTS ~~AND~~ WHILE A STRIP OF LAND ALONG THE CANAL WAS OWNED BY BRITISH ORDNANCE. THE EASTERN REGION WAS THE SITE OF CORKSTOWN, HOME TO IRISH SQUATTERS WHO WORKED AS LABOURERS DURING THE CONSTRUCTION OF THE CANAL. CORKSTOWN WAS A ROUGH AND READY PLACE, KNOWN FOR ITS PUBS AND BRAWLS. ~~TWO OF THE FARM LOTS COVERING THE NORTHERN REGION, KNOWN AS THE BY ESTATE, REMAINED UNBUILT UNTIL 1875 WHEN THE LAND WAS SOLD AT PUBLIC AUCTION TO LOCAL SPECULATORS.~~ THE LOT DIRECTLY TO THE SOUTH BECAME CATHERINE STEWART'S SUBURBAN ESTATE, APPIN PLACE, AND LATER THE SITE OF THE VICTORIA MEMORIAL MUSEUM.

CENTRETOWN IS THE SURVIVING RESIDENTIAL COMMUNITY MOST CLOSELY ASSOCIATED WITH PARLIAMENT HILL, WHOSE OCCUPANTS FORMED THE ~~BASE~~ CORE OF PARLIAMENT AND THE CIVIL SERVICE. INHABITED BY PRIME MINISTERS, CABINET MINISTERS, CIVIL SERVANTS AND DIPLOMATS, CENTRETOWN HAS ALSO BEEN HOME TO MANY NOTABLE CANADIANS. OTHER RESIDENTS INCLUDE AN EARLY AND LONGSTANDING CONCENTRATION OF SINGLE FEMALE GOVERNMENT EMPLOYEES WHO REQUIRED SECURE AND RESPECTABLE RENTAL ACCOMMODATIONS. AS THE RESIDENTIAL QUARTER OF OFFICIAL OTTAWA, CENTRETOWN IS A SENSITIVE MIRROR OF NATIONAL POLITICS.

THOUGH DEVELOPMENT OCCURRED INITIALLY IN THE FORM OF SINGLE-FAMILY ~~FREE-STANDING RESIDENCES~~ DWELLINGS INTERSPERSED WITH DUPLEXES AND ROW HOUSES, BY THE FIRST DECADES OF THE 20<sup>TH</sup> CENTURY, APARTMENT BUILDINGS BECAME AN IMPORTANT COMPONENT OF THE NEIGHBOURHOOD. CENTRETOWN IS A CLOSELY KNIT COMMUNITY STRONGLY COMMITTED TO ITS RICH ARCHITECTURAL HERITAGE. ~~TO THIS END~~ IN RECOGNITION OF THIS, THE CITY OF OTTAWA DESIGNATED

## CENTRETOWN AS A HERITAGE CONSERVATION DISTRICT IN 1997.

LE CENTRE-VILLE EST LA COMMUNAUTÉ RÉSIDENTIELLE LA PLUS ÉTROITEMENT ASSOCIÉE À LA COLLINE DU PARLEMENT, ET SES RÉSIDANTS ONT ÉTÉ TRÈS PRÉSENTS DANS LA VIE PARLEMENTAIRE ET LA FONCTION PUBLIQUE. LIEU DE RÉSIDENCE DE PREMIERS MINISTRES, DE MINISTRES, DE FONCTIONNAIRES ET DE DIPLOMATES, AINSI QUE DE NOMBREUX CANADIENS NOTABLES, LE CENTRE-VILLE EST ÉGALEMENT UN QUARTIER QUI, TRÈS TÔT, A ATTIRÉ UNE FORTE CONCENTRATION DE FONCTIONNAIRES FÉMININS CÉLIBATAIRES, QUI CHERCHAIENT DES LOGEMENTS LOCATIFS SÉCURITAIRES ET RESPECTABLES. EN TANT QUE QUARTIER RÉSIDENTIEL DE L'OTTAWA « OFFICIEL », LE CENTRE-VILLE EST UN MIROIR DE LA POLITIQUE NATIONALE.

BIEN QU'À L'ORIGINE LE DÉVELOPPEMENT DU QUARTIER AIT CONSISTÉ DANS DES RÉSIDENCES UNIFAMILIALES ISOLÉES, AVEC UN CERTAIN NOMBRE DE DUPLEX ET DE MAISONS EN RANGÉE, DÉJÀ PENDANT LES PREMIÈRES DÉCENNIES DU XX<sup>E</sup> SIÈCLE LES IMMEUBLES D'APPARTEMENTS ÉTAIENT FORT NOMBREUX. LE CENTRE-VILLE EST UNE COMMUNAUTÉ SOLIDE TRÈS ENGAGÉE À PROTÉGER SON RICHE PATRIMOINE ARCHITECTURAL. À CETTE FIN, LE CENTRE-VILLE A ÉTÉ DÉSIGNÉ DISTRICT DE CONSERVATION DU PATRIMOINE PAR LA VILLE D'OTTAWA EN 1997.