

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

09 MAY 2000

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, B. Hill, P. Hume, J. Legendre, A. Munter,  
W. Stewart and R. van den Ham

REGRETS: M. Bellemare

CONFIRMATION OF MINUTES

**That the Planning and Environment Committee confirm the Minutes of the Meeting of 25 April 2000.**

CARRIED

DEFERRED ITEM

1. CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 37 -  
TEMPORARY SURFACE PARKING IN THE CENTRAL AREA  
AND INNER CITY RESIDENTIAL DISTRICTS
  - *Deferred from Planning and Environment Committee meeting of  
25 April 2000*
  - Planning and Development Approvals Commissioner's report  
dated 27 Mar 2000

Nigel Brereton, Senior Project Manager, Development Approvals Division introduced Charles Lanktree, Planner, City of Ottawa. Mr. Brereton then provided an overview of the staff report. In concluding his presentation, Mr. Brereton stated staff were recommending approval of the

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee
  2. Reports requiring Council consideration will be presented to Council on 24 May in Planning and Environment Committee Report Number 57.

City of Ottawa Official Plan Amendment without modification (save for the small Modification to correct a typographical error). He noted the Committee was sitting as the Minister in approving this Amendment and the Planning Act states that if the Minister is proposing any modifications to an Official Plan, it may confer with any body or authority having an interest. He said it would be his recommendation that if the Committee sees fit to propose any substantive changes to this Official Plan Amendment, they confer with the City of Ottawa.

Chair Hunter noted that in his presentation, Mr. Brereton said the Regional Official Plan (ROP) encourages walking, cycling and transit trips, and further, that it discourages the use of automobiles for private trips. The Chair said he did not recall the last point being in the ROP. Mr. Brereton explained it was Policy 16 in the Central Area policy of the ROP and it states “to discourage the use of private vehicles for work trips”. He said the main thrust of this policy was to discourage vehicles from coming into the central area.

Chair Hunter pointed out the various areas of the OPA state “shall discourage the provision of temporary surface parking...”, except in the Centretown Secondary Policy Plan, where it states “shall not permit temporary surface parking...”. He asked for an explanation. Mr. Lanktree advised the intent was to try and use exactly the same wording as is found in the Centretown Secondary Plan where it says that new public parking areas shall not be added within that area. He stated this was done in an effort to be consistent in the use of terminology.

Committee Chair Hunter asked if this meant a temporary surface parking lot, existing on a vacant site in Centretown, if this OPA were to pass, could not be renewed. Mr. Lanktree advised that any application for extension of a temporary use by-law would be treated like a new application and so such a temporary surface parking lot would be prohibited under the Official Plan.

Chair Hunter stated this went beyond just discouraging the spread of temporary parking spaces in the Centretown area and would take parking spaces out of circulation. Mr. Lanktree stated there are a limited number of temporary parking lots that exist in Centretown, as most of the lots that are there, are there permanently because they have legal non-conforming rights to be there.

Councillor Hume referred to a letter he had in his possession, from E.M. Robinson, Commissioner of Urban Planning and Public Works, City of Ottawa addressed to Mr. Ted Fobert and dated 30 March 2000 (held on file with the Regional Clerk). The Councillor read a portion of the letter and drew particular attention to the following passage, “The policy changes do not constitute a general prohibition on temporary zoning for surface parking. They allow City Council the discretion to approve or refuse this use with the assurance that its decision can withstand a challenge.” The Councillor said he did not read the same flexibility in the Amendment as is suggested in Mr. Robinson’s letter. He felt in the Amendment, there is very little discretion in what City Council can do as the policy is explicitly to discourage and in the

case of the Centretown Area, to prohibit surface parking. He felt the issue should be referred back to the City of Ottawa for clarification, as he felt the interpretation contained in Mr. Robinson's letter was not in step with the Amendment.

Mr. Brereton said in reading the letter, he would agree with the Councillor, as it implied to him there is a greater flexibility in the amendment than he would have anticipated.

Mr. Lanktree stated the operative word in most of the policy is "to discourage" this use and the use of this word is intentionally not to be a prohibition. It gives Council the discretion to decide in any particular case whether it is appropriate or not. The one exception to that is Centretown, which says the use is prohibited. He noted if Council intended that this use would not be allowed in the entire Central area it would have used the word prohibited throughout the Official Plan Amendment.

Responding to further questions from Councillor Hume, Mr. Lanktree stated over the past 15 years, only 3% of the applications for temporary zoning were not approved. He felt this provided some indication of the discretion that Council has in this matter. Further, the word "discourage" in the policy does not bind the Department to recommend refusal in any particular case. With respect to any particular application, staff would have to consider all of the planning information available. They would look at the unique situation with respect to each application and occasionally would recommend referral and occasionally, approval.

Councillor van den Ham indicated he had concerns similar to those of Councillor Hume. The Councillor noted the word "discourage" is used in the Regional Official Plan and for an upper tier document that is an appropriate word. He felt in a local official plan, more specific words should be used. He questioned how the word "discourage" would be applied in a daily manner. Mr. Lanktree stated this allows for consideration of the unique situations with respect to any application. He noted that every property is unique and has its own characteristics and a temporary zoning may or may not work on a particular site.

Councillor van den Ham opined the City would go through a similar process without using the word "discourage". If it were permissible in the area, any applicant wanting a temporary rezoning would have to meet the necessary criteria, provide studies, etc., and this approach would be much more consistent and fair to all applicants. He felt the use of the word "discourage", would be dependent on the mood of the individual or Council on any given day.

Mr. Lanktree advised that in planning terminology, the term "prohibition" is used to indicate "shall not be allowed". In other instances, words such as "discourage" are used and this is intended to be a strong word to indicate this use is not being promoted in the Central Area. The speaker explained the City has concerns about alternative modes of transportation and is trying to encourage these in order to reduce the amount of commuting into the central area. This is

totally consistent with the Regional Official Plan. He said as well, there are concerns with the pedestrian environment in the Central Area. Mr. Lanktree explained when applicants approach the City indicating they want to make an application, in most cases staff will discourage them from making an application to begin with. If they want to make an application, then it would be considered.

Councillor Holmes indicated she was in support of City's report. She noted the downtown area has many parking lots, and this is not the type of downtown area she wants to see. She gave an example of a "temporary" lot at the corner of Bay and Laurier that is now in its ninth or tenth year as a temporary parking lot and felt it could be there for another 10 or 12 years before redevelopment occurs.

The Councillor indicated she had received several calls from Sparks Street businesses about this amendment and how it was "taking parking away from them". She said she explained they had a choice, when a building came down it could either be replaced by a temporary parking lot, in which case the experience has been that it takes a very long time for that lot to be redeveloped or the use of temporary parking lot could be prevented, and development happens much faster. She gave as an example the Ault Dairy land, where the City discouraged them from coming forward for temporary parking and instead the land was sold to a developer and housing was built on the site. Councillor Holmes went on to say that temporary use parking lots are not as good for taxation as a building and they postpone the redevelopment of the land to its best use, which in the Central Area is high density commercial.

Councillor Holmes noted in Centretown there are many parking lots from Bay to O'Connor running south from Gloucester and that is why the Centretown Secondary Plan says "will not permit" temporary surface parking areas. She said she had been trying for years to get those lots developed into housing, as high density residential in Centretown is necessary to support Bank Street and Elgin Street and the rest of the Central Area. North of Gloucester is a high density commercial zoning and that is the best use for this area. The Councillor offered Winnipeg as an example of a city full of parking lots and noted it has no vitality, no evening/weekend activity and no retail. She emphasized this is the not the kind of downtown she wants for Ottawa.

In concluding her remarks Councillor Holmes stated this class of parking lot is an incentive for buildings to come down if they are in poor state. She said this Amendment, provides an opportunity to say what we want in our downtown is buildings to their maximum usage that the zoning will allow. She expressed the hope the Committee would not agree to what she understood was going to be a proposed amendment from Fotenn Consultants, which will encourage temporary surface parking lots.

Tony Kue, owner of Capital Parking advised he was a professional engineer in the parking lot business. He said the report produced by the City was based on environmental factors,

however, he noted emissions from cars have improved substantially in the past 35 years, and he felt in the next five to ten years, most of the cars will be electrical and the emissions will be zero.

Mr. Kue noted there are a lot of high tech firms that want to move downtown but cannot because there is no parking available and so instead they are moving to Kanata or Nepean or elsewhere. He said 73% of the population uses cars and the rest use alternative methods such as walking, bicycling and transit.

Mr. Kue referred to a comment made by staff at the City that they are only in short term parking. However, he pointed out the City of Ottawa manages a garage at Dalhousie and Clarence, that has 450 parking spaces and from that they sell 390 monthly passes, which translates into long term parking. He said the parking industry services both short term and long term parking. They get busy two or three times a year: during Winterlude, the Tulip Festival and Canada Day. The remainder of the time, business is normal and does not fluctuate very much.

Mr. Kue felt Regional government was wearing two hats. On the one hand, it wants to dictate the policies contained in this Amendment and at the same time Regional Government runs OC Transpo, which is subsidized \$400 million per year by the taxpayers.

The speaker went on to say that no business person “in his right mind” would demolish a good standing building, to turn it into a parking lot to collect five or six dollars per car a day. He said he owns a building that has been empty for three years which he is unable to rent because it contains asbestos. He pointed out he must still pay property tax, mortgage and maintenance expenses. Mr. Kue went on to relate a story concerning a parking lot at the corner of Bank and Laurier. He said five years ago the owner called him and asked him to give him \$1 in rent and pay his taxes. His taxes were \$300,000 per year! The same property in Toronto pays \$32,000 tax. He felt this to be absurd.

In conclusion, Mr. Kue said if the City of Ottawa is to grow, there has to be a proper plan for the City looking 25 years to the future. He felt a proper transportation system was necessary, namely, a subway system from Kanata to Orleans and another north/south line from Gatineau to the Airport. That is the only way the city and Region will grow. He asked that the entire amendment be thrown out.

Ted Fobert - Fotenn Consultants advised he represented Capital Parking and Ideal Parking and was before the Committee because they had concerns with the thrust of the Amendment. He felt it was important to recognize that both City Council and the Committee of Adjustment have acknowledged that in some instances temporary surface parking lots are appropriate for up to three years and longer where extensions are appropriate. A temporary surface parking is generally sought to allow the interim use of vacant land, resulting from the loss of a building through fire, obsolescence or other economic hardship. The decision to permit temporary

parking is based on the merits of the application and the circumstances of the property in question. He said this was the most appropriate way to assess requests for temporary surface parking; looking to the Official Plan for guidance, yet allowing room for judgement based on circumstance. He felt the changes in the report, removed this discretion.

Mr. Fobert went on to say Councillor Hume had captured it very well, when he said that a staff member reviewing the policy if approved, would have no recourse other than to recommend a temporary parking use is inappropriate regardless of the circumstance. He said notwithstanding the staff recommendation that it is inappropriate, if it were appealed to the Ontario Municipal Board (OMB), the appellant would win on the basis of the policy, which is the primary focus of any OMB hearing.

The speaker stated no one wants a proliferation of surface parking lots in the downtown and he did not feel this was happening. At present there are only 12 temporary surface parking lots downtown and that represents about 2.2% of the total parking in the downtown. He pointed out the economic climate in Ottawa has improved over the last few years and as a result, a number of surface parking lots have been redeveloped. He said over 1,000 parking spaces have been redeveloped in the last couple of years.

Mr. Fobert noted the policy was put forward on the basis of environmental concerns about carbon emissions. He said if this was truly the interest of Regional Council, then he felt the policy should restrict all parking in the downtown. As well he noted that the statement that surface parking is for long term only is not accurate. He noted several retailers have indicated that surface parking lots are very important to their business.

Mr. Fobert expressed his concern that the staff recommendation was narrowly focused. He felt it should be based on policies that provide some discretion. He drew the Committee's attention to the amendment he was proposing (attached as Annex A to these Minutes). He felt his amendments established wording that would allow an application to be considered on its merits and sets out the criteria upon which it should be judged. The criteria includes such things as economic hardship to the owner resulting in the inability to make economic use of the site, local market conditions potentially affecting the sites potential for redevelopment, the impact of surface parking on the streetscape and the parking surplus or deficiency in the area. And it refers back to another policy in the residential chapter which deals with compatibility in those situations. Mr. Fobert advised when this item was before City of Ottawa Planning Committee, Councillor Ron Kolbus asked Mr. Robinson, if this policy were approved, how would the department respond. Mr. Robinson advised the Department would respond on the merits of the application and would use certain criteria upon which to judge that. After the meeting, in talking with Councillor Kolbus, Mr. Fobert indicated that in his view that is not what the policy was saying. Councillor Kolbus asked Mr. Fobert to prepare a motion for Council (the motion

before Committee). The motion went to Council but was not approved because it was considered too much, too late (as it only got to them on the floor of Council).

Referencing the letter from Mr. Ted Robinson, referred to earlier by Councillor Hume, Mr. Fobert said he believed the intent of the Commissioner is to deal with applications on their merit and he felt the amendment he proposed was more appropriate to that situation.

Councillor Hume asked, in Mr. Fobert's professional opinion, if he were to review an application for surface parking, guided by the Official Plan but without the benefit of Mr. Robinson's letter, what would Mr. Fobert's recommendation be. Mr. Fobert stated clearly the thrust of the Official Plan is to discourage temporary parking in the downtown area and all applications for temporary surface parking would have to be viewed as inappropriate.

Responding to questions posed by Councillor Legendre, Mr. Fobert stated he believed the wording of the amendment would make a difference. He noted Official Plans are approved by the Minister and so if an application for temporary zoning were appealed to the OMB, the OMB chair considers the policies of the municipality as being the direction upon which they will make the judgement. He said if the policies are changed as he recommended, those are the policies that will be before them.

Councillor Legendre referred to the first page, 2<sup>nd</sup> paragraph of Mr. Fobert's proposed amendment and asked what was meant by "obsolescence". Mr. Fobert explained this referred to a situation where a building in the downtown core that is no longer marketable. For example, it may not have the appropriate space requirements to attract business and the owner does not have the economic where-with-all to bring it up to a standard that is going to make it rentable. Mr. Fobert agreed that the Daly Building could be judged as an example of a building that was obsolete.

Councillor Legendre noted Mr. Fobert stated that in terms of the total parking currently being provided the part provided by temporary surface parking is only 2.2% of the total. He asked that staff confirm this. Mr. Lanktree confirmed that temporary parking spaces represent 2.2% of the overall parking supply in the Central Area. However, most of these spaces are very visible, and some are located right on the transitway. He said while the bulk of the public parking supply in the central area is located in structures, these are not as visible and do not impact directly on the pedestrian environment.

Councillor Legendre pointed out LOPA 37 contains wording to ensure the visual appearance of these parking facilities will be enhanced and screened through the use of fences, walls and or vegetation, while ensuring adequate public safety and security. The Councillor stated it appears the City already has measures in place to address the visibility problem. Mr. Lanktree advised this policy is intended to deal with situations where temporary zoning is permitted for surface

parking and these provisions are adequate in such situations. However, he stated the essence of the amendment is to deal with the causal issue and that is allowing temporary surface parking in the first place.

Robert Edmonds, Vice-President, Action Sandy Hill (ASH) reminded Committee ASH has long opposed the proliferation of temporary surface parking lots in this inner city area. This opposition is based largely on the fact they are incompatible with the Official Plans of the City and the Region, which emphasize the desirability of maintaining the central core as a principle retail sector of the Region. Consistent with this principle, he said ASH has always supported the idea of having a continuous flow of viable retail and other public establishments along the main downtown arteries, such as Rideau Street.

Mr. Edmonds stated ASH was in support of Amendment 37 partly because the unfilled gaps left by unplanned surface parking lots ruin the appearance of a street. He said they would prefer an outright ban on temporary surface parking in the downtown area, than an amendment that merely discourages their existence, but were willing to accept this.

The speaker reminded Committee that during the course of the RMOC public consultation on property tax policy held on July 29, 1998, he made a proposal on behalf of ASH that a two tier property tax system be instituted under which land and buildings would be taxed separately. A relatively high tax would be applicable to land and a somewhat lower tax than at present applicable to buildings. Mr. Edmonds noted this system has been operating successfully for a number of years in Pittsburgh, Pennsylvania and he felt such a two tier tax system would result in increased tax revenues for the Region and offer a solution to the serious problem of unplanned parking lots in the City's core. Mr. Edmonds noted that although a motion to this effect, put forward to Regional Council by Councillors Meilleur and Holmes failed, he expressed the hope that it would one day be revived.

In his closing remarks, Mr. Edmonds read a statement made by Councillor Diane Holmes on November 16, 1998 in response to the City of Ottawa's central area zoning review. On temporary use parking lots, she said the following "The large number of temporary surface parking lots that the City of Ottawa has permitted within the Central Area has had negative transportation, environmental and urban design impacts. In general, they are being occupied by commuter parking and further undermine the Region's Official Plan policies to discourage private car use to and from the Central Area. Ottawa-Carleton must take a stronger position against these temporary lots." Mr. Edmonds urged the Committee to adopt Amendment 37.

Gerry Lepage, stated tongue in cheek, that he felt this amendment "was the best idea since sliced bread" but only if the Region could find a way to legislate economic cycles and make them always positive growth cycles. He went on to say this was the worst example of social engineering possible because what it does is seeks to punish individuals who have absolutely no



control over market conditions. He explained a building has a life cycle and when it becomes obsolescent, this policy is saying that in Centretown the owner will not even be able to build a surface parking lot to pay the taxes. He felt this to be absolutely absurd.

Mr. Lepage pointed out the City, the Region and developers have a common bond in that none of them want to see these parcels of land used as temporary surface parking lot. He said all three would rather have it used for its highest and best use. However, temporary surface parking lots are a transitional use because economic imperatives dictate that use.

The speaker offered this amendment would not discourage people from using the automobile (72% of Ottawa residents own automobiles), nor would it discourage emissions (technology is taking care of that aspect). He also noted surface parking lots are being reduced as a result of healthy market conditions and have gone from 13 in 1984 to 7 in 1999. He felt it would be better for the City and Region to focus their efforts on improving the economy rather than diminishing the viability of the Central Area, which he said this Amendment would encourage. It will merely discourage people from using the central area, discourage developers from building in the central area (both commercial and residential) and encourage them to go elsewhere. He urged the Committee, if they wished to make Ottawa a vibrant, vital capital city, to defeat this Amendment.

Doug Kelly, Nancy Meloche and Hugh Gorman representing the Building Owners and Managers Association (BOMA) Mr. Kelly began by stating it was clear from reading the Amendment and Mr. Robinson's letter, they are really two different things. He explained if an appeal of a temporary surface parking lot were before the OMB, the document that will be given weight is the Official Plan Amendment and it is certainly not the same as what the intent of Ottawa staff appears to be (as set out in Mr. Robinson's letter). Mr. Kelly felt the Amendment should better reflect this intent.

Mr. Gorman, stated he took exception to Councillor Holme's earlier comments about developers either demolishing buildings or taking obsolescent buildings and turning them into a business of temporary surface parking lots. Speaking on behalf of all the developers in the downtown core, he said the last thing they want to see is a temporary parking lot on a development site. He advised high density commercial development is the best use and preferred option but unfortunately, as economic conditions prevail, it is not viable. He also did not agree that temporary surface parking lots discourage development in the downtown core.

Mr. Gorman went on to say this issue together with the appeal by the Region of the City of Ottawa's approval of tandem parking in the downtown core, is just another incremental step at reducing parking downtown and he opined this would have a significant impact on development in the core. He explained part of the change in the market place, is seeing vacancy rates come down partly because the technology community (who are limited for development in the

suburbs) are starting to come back to the downtown core. These people do not take the bus and they will not take the bus until such time as public transit becomes more convenient than driving their cars. He said BOMA was not discouraging the community's cry for additional infrastructure for suburban development but he felt there should be a balanced approach. Mr. Gorman said until such time as the Region is in a position to dedicate capital dollars for public transit to make it more efficient, it should not be spending more money on capital infrastructure in the suburbs. If the market is to continue to get stronger in the downtown core, it is necessary for the high technology companies to come down to the core and lease space to eat up that vacancy.

In concluding his remarks, Mr. Gorman stated the whole philosophy behind the Amendment is absolutely flawed and BOMA did not support it. He noted Councillor Hume had indicated his intent to refer this matter back to Planning staff and it would be BOMA's recommendation that this go back to the City's planning department for review. BOMA would like the issues, tandem parking and temporary surface parking consolidated. He strongly encouraged the Committee not to support LOPA 37.

Ms. Meloche added that BOMA would like to be part of the process of reevaluation. She said it is BOMA's position that each new application should be considered and evaluated against certain tests and BOMA would like to be involved in developing those tests and any enhancements to the amendment.

Mr. Kelly noted that Chair Hunter had questioned staff with respect to the Regional Plan discouraging the use of private automobiles coming into the downtown core. He said the problem is that parking must be provided in order to get tenants downtown. By way of example, Mr. Kelly referred to the World Exchange Plaza who could not get tenants unless they had parking available. He said it was a vicious cycle, trying to get people to take transit while trying to limit parking around transitway stations. In order to get the tenants, it is necessary to have the parking that will bring people into the buildings near the Transitway and then, with improved infrastructure in the Transitway system, ridership will increase. He said if parking is not provided, these people would simply build in business parks that are not near transit.

Committee Chair Hunter stated in the suburbs, it is expected that when a developer develops a property for an office building or commercial use that they will provide parking on their site. He said it was his understanding that the City of Ottawa has allowed a number of re-developments of properties where instead of requiring the developer to provide the parking on site, the developer pays cash-in-lieu, that is then deposited into a reserve fund. He asked if this was an issue for BOMA.

Mr. Gorman advised the parking issue cannot be dealt with in isolation of the public transit issue. He said there has to be a responsible approach to the dollars allocated to capital for

public transit. If the transit system were more efficient, there would likely not be as many cars downtown and then perhaps, cash-in-lieu of parking would be a reasonable alternative.

Councillor Munter stated he was delighted to hear BOMA's support for investments in public transit as he had not heard that before from BOMA. He said there are those in the development industry that would like the Region to spend less on transit and he hoped when they force the debate, BOMA would be back to make the case for the kinds of investments they had suggested were needed for the transit system. Mr. Gorman said certainly, as long as the approach is balanced. He said part of that is looking at the existing infrastructure and whether it is utilized or under-utilized.

Ms. Meloche related a point that was raised the previous week in a meeting with a number of high tech firms. She noted in particular Kanata Research Park had said, until the transit system becomes more efficient and offers good peak service to their employees, in areas like Kanata, they will not get their employees onto the buses.

Councillor Legendre referred to a site in downtown Ottawa at the corner of Rideau and King Edward that was empty for many years. He said there is now a building on it that houses the LCBO. He indicated he was happy to see something go on the lot but was disappointed that the building is only one floor, as he felt a building of 6 to 10 stories, was what "this piece of land deserved". The Councillor said in view of the booming economy in Ottawa-Carleton and the record low vacancy rate, he asked why more significant structures were not being built in downtown Ottawa.

Mr. Gorman said, although vacancy rates are low and all the signs are good, Ottawa is not yet in a position where market rents have reached economic rents and development is therefore based on current market conditions. As a result, you see things such as the specific site, being rezoned to a retail use to accommodate whatever makes the development economically viable, which in this instance is a one story retail concept. Mr. Gorman said developers/landowners are trying to drive whatever revenue they can out of these vacant sites so that when the market is there, there can be responsible development on the sites. Mr. Kelly added you cannot achieve the rents from a tenant that would pay for the cost of construction of a new building. Mr. Gorman noted as well, there is a lag in the market place. In this past quarter there has been the lowest vacancy rate seen in a number of years. However, that is only a quarter; the whole market has to be corrected and people have to have the confidence that the rents are going to stay there and so it is a function of time.

Councillor Legendre explained the point he was trying to make. The particular lot he was referring to lay fallow for about 20 years and whether or not temporary surface parking is discouraged or encouraged, matters not at all. Mr. Gorman said temporary surface parking

allows responsible developers to at least maintain the property long enough until the cycle comes around to develop the site .

Councillor van den Ham asked Mr. Kelly if in his opinion, a person being totally discouraged about going the route of a zoning for a temporary surface parking lot, would he not have the option of applying for a permanent zoning for surface parking. Mr. Kelly responded that one could always apply for a permanent zoning but the Official Plan might have to be amended and could be a much more onerous route. Mr. Kelly went on to say the intent of the legislation is to allow it as an interim use or a temporary use, because the highest and best use is a commercial development of high density office/retail. He noted a number of years ago the Province amended the Planning Act to allow for temporary use by-laws so that they be clearly of a temporary nature and the highest and best use was permanent development. He felt it was appropriate the way the Ottawa Official Plan allowed some temporary uses in the downtown core for parking lots.

Nicholas Patterson, referencing a question posed by Councillor Legendre with respect to why there was no development on a prime site in downtown Ottawa, stated the reason for this is because Ottawa has the second highest taxes in the entire country and probably the entire continent. He said if you have the highest taxes that means the rent must reflect these high taxes.

Mr. Patterson stated there were two reasons why this Amendment should be thrown out. He explained the first reason was a matter of integrity. He felt it was a bit of a trickery on staff's part and certainly at the City of Ottawa level, that the prohibition of surface parking spaces on vacant sites in Centretown was buried in the fine print of the staff report. He said had he not brought it to the attention of all of the Councillors at the City and Region, they would not have noticed this. Mr. Patterson stated the second reason for refusing this Amendment is that it is a "hair brained scheme" that does not respect fundamental economics. The City of Ottawa has passed this Amendment reducing downtown parking, which is already extremely highly restricted, and completely ignoring the growth in downtown demand. He referred to comments from various presenters who had said that high tech firms want to move downtown but they cannot find parking and therefore they are not moving downtown.

In conclusion, Mr. Patterson stated it was "time to call a truce in this nonsensical two decade old war against cars by City and Regional, bureaucrats and politicians".

Brian Karam, President, Elgin Area Property Owners Association indicated his Association did not support Amendment 37 because they view this as "a long term statement for what is a short term issue". He said in looking at Sparks Street and Rideau Street, it is evident that forcing out cars results in a very permanent situation that cannot be reversed. He felt the Committee should look five years into the future rather than five or ten years into the past. He said with such things as telecommuting and suburban offices, the types of problems being experienced today and for the last five years will not exist five years from now. He explained these points by saying that

because the labour market is “calling the shots” and employees do not want to work downtown and face the traffic and parking problems, businesses will not be locating downtown. As well, a product called air fibre will be available in the very near future from Nortel that will permit teleconferencing. It can be hooked up quickly and will be very cost effective.

Mr. Karam concluded by saying approval of this Amendment would result in a statement that could last 25 years, when this issue will likely resolve itself in the next three to five years. He said if the parking is strangled off right now, it will have permanent and negative economic results, much like what has occurred on Sparks Street and Rideau Street that will not be reversible.

Having heard from all delegations, the matter returned to Committee.

Councillor Hume noted the Committee had heard much about what this amendment does and does not do and he said he felt there was a considerable difference between what City staff believes this says and what he interpreted the amendment to say. He indicated he was prepared to move the amendments put forward by Mr. Fobert and that LOPA 37 be amended by these. However, he said he realized this was a City of Ottawa Official Plan Amendment and they needed to look at the amendments and consult with BOMA and other interested parties and then the matter could be brought back to the Planning and Environment Committee. In this regard, the Councillor stated he would be moving that City of Ottawa LOPA 37 and any proposed amendments be referred back to staff for consultation with the City of Ottawa and other interested parties and then to come back to Committee with another report.

Mr. Tunnacliffe said if this was the will of the Committee staff would carry it out. However, he said he understood Mr. Lanktree to say that the amendment proposed by Mr. Fobert had in fact been considered by the City and rejected.

Councillor Hume stated he was prepared to amend the Official Plan Amendment to include the amendments proposed by Mr. Fobert, however, he said he felt it was best before such action is taken, that the matter be referred back to the City. The Councillor noted the amendments proposed by Mr. Fobert reflect the intent set out in Mr. Robinson’s letter. He said he thought it was only right and fair that the matter be sent back to the City and they be advised that the Region is considering adopting these amendments and then find out what their position is. That position can then be brought back to Planning and Environment Committee for consideration.

Councillor Munter stated what struck him was that everybody professes support for the same goal. He said he felt there was agreement that the more residential and commercial development in the downtown, the better and that putting buildings where parking lots used to be is a good thing. He noted that somebody mentioned the Region has a dual role as a regulator and subsidizer of OC Transpo. In fact the Region has a triple role, in that it is also the

subsidizer, builder and maintainer of the road system. The Councillor said it is in the Region's interest to try to encourage, as much as possible, the use of transit and the development of the downtown. The Region has tried to do just that with such measures as eliminating residential development charges completely in the downtown core.

Councillor Munter stated he saw this Amendment, adopted by the City of Ottawa, as one of a series of reasonable measures to try to promote the development of a vibrant downtown. He did not see any justification for refusing this Amendment and felt the City had mediated between a variety of interests to reach a compromise position. Councillor Munter indicated he would be supporting the staff recommendation and not the amendments proposed by Councillor Hume.

Councillor van den Ham indicated he would not be supporting the staff recommendation primarily because he had concerns about the use of the word "discourage", as he felt this provided too large of a gray area. He said although this word is used in the Regional Official Plan, he would have expected the City of Ottawa would have been more specific. The Councillor said he agreed that the interpretation of the Amendment contained in Mr. Robinson's letter was much different from the Amendment and indicated he would support the attempt to refine this.

On the issue of parking spaces downtown generally, Councillor van den Ham stated he supported the notion of temporary zoning by-laws for surface parking lots. However, he said he also agreed to a certain extent, that there should not be a proliferation of surface parking lots throughout the downtown area. If the City of Ottawa and the Region want to control this to some extent, then the Amendment should be much more specific.

Councillor van den Ham stated if the intent was to move all of the amendments proposed by Mr. Fobert, he had a problem with this, in that three pages of rules would be turned into into ten pages. He expressed the hope that the proposed amendments could be refined to some extent. Committee Chair Hunter indicated normally he was loathe to interfere with local official plan amendments as it is the local municipality's "turf" and they have worked on it, held the public hearings, etc. However, he said in this instance what the City of Ottawa is proposing to do could have some effect (if not a profound effect) on the habits, lives and working conditions of the people he represents. For this reason, Chair Hunter stated he felt he had some right and propriety to take a closer look at this Amendment.

The Chair noted that in both the LOPA and the amendments proposed by Councillor Hume, there is the phrase to discourage or prohibit parking in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The Chair said he had seen no documentation which suggests there is any link between prohibiting temporary surface parking lots and the reduction of carbon emissions. He felt that one could just as easily argue that emissions would be increased as frustrated motorists come into the downtown area and have to

drive around searching for a parking space. As well, he said he could not understand how an activity on a lot on private property would one way or another affect the pedestrian environment. For these reasons, Chair Hunter felt the amendment should either go back to the City for reworking or be turned down entirely. He indicated he was in support of the motions put forward by Councillor Hume.

Councillor Legendre indicated he was supportive of the intent to refer this matter back to the City of Ottawa, however, he felt that clarification with regard to their intent should not only come from City staff but also City Council. He asked if this was Councillor Hume's intent. Councillor Hume said he believed City staff would have to go back to City Council and get direction on this.

Councillor Legendre indicated he was fully supportive of the motions.

Moved by P. Hume

**That City of Ottawa Local Official Plan Amendment No. 37 be amended by the wording proposed by Ted Fobert, FoTenn Consultants (Attached as Annex A).**

TABLED

Moved by P. Hume

**That City of Ottawa Local Official Plan Amendment No. 37 and any proposed amendments be referred back to staff for consultation with the City of Ottawa and other interested parties.**

CARRIED as amended

#### PLANNING ITEMS

2. **RENAMING THE OLD ALIGNMENT OF STAGECOACH ROAD (REGIONAL ROAD 25), TOWNSHIP OF OSGOODE**  
- Planning and Development Approvals Commissioner's report dated 12 April 2000

**That the Planning and Environment Committee (acting as the Regional Street Name Committee) approve the following proposed street name:**

1. **That the old alignment of Stagecoach Road ( Regional Road 25) north of Dalmeny Road (Regional Road 4) in the Township of Osgoode be renamed “Old Stagecoach Road” (see Annex 1)**
2. **That public notice be placed in a local newspaper having general circulation in the municipality, and a public meeting be convened if necessary.**

CARRIED

3. APPEAL TO OMB BY JAMES RAINA  
CONSENT APPLICATION RA 57/99  
PART LOT 22, CON. 2 - TOWNSHIP OF OSGOODE  
- Planning and Development Approvals Commissioner’s report  
dated 19 Apr 2000

**That the Planning and Environment Committee recommend that Council confirm staff’s attendance at a scheduled Ontario Municipal Board Hearing, initiated by the applicant, in support of a decision by the Rural Alliance Severance Committee.**

CARRIED

ENVIRONMENTAL SERVICES ITEM

4. AMENDMENTS TO BY-LAW 44-96 FOR THE COLLECTION,  
REMOVAL AND DISPOSAL OF SOLID WASTE -  
BAN OF USED NEEDLES, INSULIN PEN TIPS AND LANCETS  
FROM HOUSEHOLD GARBAGE  
- Director, Solid Waste Division, Environment and Transportation report  
dated 19 April 2000

Councillor Legendre referred to Revision 1.6 on page 21 of the staff report, which states in part “All Sharp Items shall be placed in an approved rigid container....”. He sought assurance from staff that they were not being overly “heavy handed” in restricting containers. Pat McNally, Director, Solid Waste Division, confirmed that such things as peanut butter jars and other containers that are not easily punctured, would be accepted.

Satisfied with this response the Councillor indicated he was in favour of the report, particularly the notion of the drop boxes and the effort being made to encourage more pharmacies to participate in the “Take It Back” program.

The Committee then approved the staff recommendation.



**That the Planning and Environment Committee recommend that Council approve the further amendment to By-Law 44 of 1996, as outlined in Annex A, to prohibit the collection of used needles, insulin pen tips and lancets, effective 01 July 2000.**

CARRIED

INQUIRIES

Councillor Legendre indicated he had an inquiry concerning pesticides, pesticide exposure and the risks involved. He noted there was a committee set up by Regional Council a few years earlier called the Health Dangers of Urban Use of Pesticides (HDUUP) Committee. He questioned if the Committee still existed, if Regional staff were involved in it and what the membership of the Committee was.

Dr. Ed Ellis, Associate Medical Officer of Health advised that Jamie McLaughlin, Program Manager, Environmental Health attends the meeting of the HDUUP Working Group. He noted as well the group has a web-site nested in the Health Department's web-site. Dr. Ellis could not provide any further information on the Committee as he did not have the Terms of Reference at hand. However, he undertook to provide the Councillor with further information in this regard.

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

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COMMITTEE COORDINATOR

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COMMITTEE CHAIR

## **Proposed Amendment - Temporary Surface Parking in the Central Area**

*Planning & Environment Committee Meeting: Tuesday, May 9, 2000*

The following wording replaces the wording in Document 3 - Official Plan Amendment, Part B - THE AMENDMENT, Section 2.0 Details of the Amendment.

The proposed change in wording better reflects the intent as described by the Commissioner of Urban Planning and Public Works in his letter, dated March 30, 2000. The shaded text represents the changes to the proposed Official Plan policies.

### 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. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;

- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

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:

*Extensions*

“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) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking in the Core Area Character Area 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) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the By Ward Market Character Area 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.”

2.3.3 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) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the

Central Area when considering requests for temporary surface parking within the Rideau/Congress Centre Character Area 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.”

- 2.3.4 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Canal Character Area 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.”

- 2.3.5 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Lowertown Character Area 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.”

- 2.3.6 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Sandy Hill West Character Area, including particular regard for the desire to ensure a pedestrian-oriented residential environment, 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.”

- 2.3.7 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Upper Town Character Area, including particular regard for the desire to ensure a pedestrian-oriented residential environment, 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.’

- 2.3.8 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Rideau Theme Street area, and where temporary surface parking is permitted, shall require site enhancements be provided 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 have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Sparks Theme Street area, and where temporary surface parking is permitted, shall require site enhancements be provided 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 Street Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Bank Theme Street, and where temporary surface parking is permitted, shall require site enhancements be provided 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 discourage the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

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.”

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 the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
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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.”

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 the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

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.”