

**1. APPEALS OF RESIDENTIAL PROVISIONS OF CITY OF OTTAWA ZONING BY-LAW 93-98**

**COMMITTEE RECOMMENDATION AS AMENDED**

**That Council approve that the Region withdraw its support with respect to Item No. 1 of the Centretown Citizens Ottawa Corporation (CCOC) appeal of the City of Ottawa's Zoning By-Law No. 93-98.**

**DOCUMENTATION**

1. Planning and Environment Committee Co-ordinator's report dated 28 Oct 99 is immediately attached.
2. Planning and Development Approvals Commissioner's memo dated 29 Jun 99 follows the Committee Co-ordinator's report.
3. An Extract of Draft Minute, 9 Nov 99, follows and includes a record of the vote.
4. Correspondence and presentations from Jay Baltz, Hintonburg Community Association, Peter Childs, Dalhousie Community Association and Catherine Boucher, Centretown Citizens Ottawa Corporation, issued separately to all members of Council and held on file with the Regional Clerk.

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

Our File/N/Réf. Your File/V/Réf.	03 07-99-0119
DATE	28 October 1999
TO/DEST.	Chair and Members, Planning and Environment Committee
FROM/EXP.	Co-ordinator, Planning and Environment Committee
SUBJECT/OBJET	<b>APPEALS OF RESIDENTIAL PROVISIONS OF CITY OF OTTAWA ZONING BY-LAW 93-98</b>

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### **REPORT RECOMMENDATION**

**That the Commissioner's delegated authority pertaining to financial expenditures for continued participation in this matter be referred back to Planning and Environment Committee to allow for approval and full public participation and discussion.**

### **BACKGROUND**

The attached memorandum from the Planning and Development Approvals Commissioner, dated 29 June 1999 was originally distributed to all members of Council as "Information Previously Distributed" and listed as such on the Planning and Environment Committee Agenda of 13 July 1999.

At that meeting, a motion to waive the Rules of Procedure to consider the item as additional business was introduced and approved. The matter was discussed and the Committee approved the following motion:

**That Planning and Environment Committee recommend that Council confirm staff's continued participation in the appeal of Ottawa's zoning by-law to protect the Regional interest in ensuring the implementation of the Regional Official Plan, with particular respect to Item #1 of the CCOC appeal.**

As well, the Committee approved a motion requesting Council to waive the Rules of Procedure to consider the item at their meeting the next day (14 July 1999). Council, at its meeting of 14 July 1999 agreed to suspend the Rules of Procedure to consider Planning and Environment Committee Report 37 (this matter was Item 4 on said report) and subsequently approved the above-noted Committee Recommendation (Councillor Meilleur dissented).

At its meeting of 27 October 1999, Council considered the following motion (notice for which was given at the Council meeting of 13 October 1999):

Moved by Councillor M. Meilleur  
Seconded by Councillor C. Doucet

**WHEREAS RMOC staff were directed to continue participation in the appeal of the City of Ottawa's zoning by-law to protect the Regional interest in ensuring the implementation of the Regional Official Plan, with particular respect to Item # 1 of the CCOC appeal, to the Ontario Municipal Board; and**

**WHEREAS this motion, carried at Council on July 14<sup>th</sup>, 1999, is ambiguous in its direction to staff and unclear in its definition of continued participation by the Region; and**

**WHEREAS there had been extensive public participation in the development of these provisions of the by-law at the City of Ottawa level, particularly by the three affected communities of Hintonburg, Dalhousie and Sandy Hill; and**

**WHEREAS public participation in this matter at the Regional level was thwarted, allowing no opportunity for residents of these communities to speak to this matter affecting them;**

**THEREFORE BE IT RESOLVED THAT the Commissioner's delegated authority pertaining to financial expenditures for continued participation in this matter be removed and referred back to Planning and Environment Committee to allow for approval and full public participation and discussion.**

Council approved this motion, as amended by the following:

Moved by Councillor D. Holmes  
Seconded by Councillor W. Byrne

**RESOLVED THAT Motion No. 195 be amended as follows: that the words, "be removed and" be removed from the resolved clause and be substituted with the word "be".**

In this regard, the matter is now back before Planning and Environment Committee for their consideration.

In addition to the aforementioned memorandum from the Planning and Development Approvals Commission, I attach for your ease of reference an Extract of Minute of the Planning and Environment Committee meeting of 13 July 1999, an extract from the Centretown Citizens Ottawa Corporation (CCOC) Notice of Appeal, and a copy of a map showing the central area of the City of Ottawa, where the CCOC is looking for support from the Region.

*Approved by  
Dawn Whelan*

Our File/N/Réf.                    23-00-99-0005  
Your File/V/Réf.

DATE                                    29 June 1999

TO/DEST.                            Chair and Members of Regional Council

FROM/EXP.                         Planning and Development Approvals Commissioner

SUBJECT/OBJET                    **APPEALS OF RESIDENTIAL PROVISIONS OF CITY OF  
OTTAWA ZONING BY-LAW 93-98**

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**This Report is for information only.**

PURPOSE

The purpose of this memorandum is to inform Council of action taken by Regional Planning and Legal staff with respect to certain appeals of the residential provisions of the City of Ottawa zoning by-law 93-98, the City's new comprehensive zoning by-law, also referred to as 2020Z. Some appeals of the residential provisions of Bylaw 93-98 cited lack of Regional Official Plan conformity as a ground for their appeal. In February 1999, Legal staff requested party status for the Region to these appeals. Based on subsequent analysis conducted by staff and consultants for the Region and changes to the By-law approved by Ottawa City Council, Planning staff advise that the Region does not need to maintain its party status with respect to these appeals (unless there are appeals to the amending by-law intended to address some of the Region's concerns).

HISTORY

City Council adopted the new zoning by-law, 93-98, on 20 May 1998. Regional staff had provided comments to the City (staff and Committee) on various drafts of the new by-law. Staff filed appeals of the new by-law, where issues raised in previous comments had not been resolved. These appeals were reported to Planning and Environment Committee at its meeting of 13 Oct 98 in a Summary of Assigned Functions report. At that time, appeals of the residential provisions of By-law 93-98 were not included.

The staff comments to the City had included the following:

Like the City's Official Plan, the new Regional Official Plan is pro-active in facilitating more development in already serviced areas and in encouraging the construction of more units inside the Greenbelt. We have not undertaken the onerous task of looking through each zone and potential impact to determine if the proposed By-law is also pro-active in this regard. Our review focused mainly on opportunities for mixed-use and higher density development around rapid transit stations and issues of conformity. We do however trust that the spirit of the City of Ottawa and the Region's Official Plans is being implemented and that a balance will be reached between creating opportunities for more units and ensuring the compatibility of new development with the character of existing neighbourhoods.

During the appeal period a number of other parties filed appeals of various residential provisions of the by-law. Many of these appeals contained an argument that the provisions being appealed did not conform with the requirements of the 1997 Regional Official Plan or similar phrases. At the first pre-hearing in November 1998, the City indicated that they had done some work on the impact of the new zoning by-law on unit potential and on the intensification policies of the City and Regional Official Plans, which they would provide to the appellants before the next pre-hearing in February. The City subsequently advised that they were unable to locate such an analysis. Consequently, Regional staff requested party status to those appeals of the general residential provisions of By-law 93-98 which had cited lack of Regional Official Plan conformity as a ground for appeal. (The Region did not request party status to any site-specific appeals.) The City did not oppose this request and the Board granted the Region party status.

At the same pre-hearing, Regional staff opposed the coming into effect of the R3, R4, R5, R6, CN and CG zones, because it was possible that these new multi-unit zones might not achieve the same unit potential as the previous by-law and therefore might not conform to the Regional Development Strategy of the 1997 Regional Official Plan, which targets a substantial increase in dwelling units inside the Greenbelt. The OMB Chair agreed to provide the Region time to evaluate the impact of the new by-law on unit potential and to prepare a motion on this matter to be presented by 15 March 99.

The Region then retained FoTenn Consultants Inc. to conduct an assessment of the provisions (e.g., side and rear yard setbacks, amenity area requirements) governing multi-unit zones in By-law 93-98 to determine if the impact of these provisions was to reduce development potential to the extent that there was an issue with respect to conformity with the Regional Development Strategy. FoTenn was retained because one of the main work items was to assess the implications of the analysis, in relation to the February 1997 report, *An Identification of Housing Potential Inside the Greenbelt*. The 1997 report was also prepared by FoTenn.

The results of the second analysis by FoTenn are documented in a report entitled, *An Assessment of Multi-Unit Zones on Residential Development Potential in the City of Ottawa*. This report is on file with the Regional Clerk. It concluded that overall unit potential was not jeopardized by By-law 93-98.

It did however note a reduction in potential under the provisions of the R5 and R6 multi-zones and a particular impact in the inner urban area, the neighbourhoods which surround the Central Area. Potential in these neighbourhoods was also affected by some changes in height limits in Centretown and changes in the zoning of portions of inner urban neighbourhoods (Centretown, Dalhousie and Sandy Hill) which removed apartments as a permitted use. On this basis, the Region withdrew its

opposition to the identified zones coming into effect, but maintained its party status with respect to the general provisions governing the R5 and R6 zones (found in Part IV, Residential Regulations of the by-law) and the changes in zoning for the inner urban area.

The City, in order to resolve the residential appeals, commissioned a review of the appeals of general provisions by the firms of Markson Borooah Hodgson Architects Inc. and The Planning Partnership. A draft copy of this work was available in December 1998 and a final report in late April 1999. The Planning and Development Approvals Department hired the firm of Katz Webster Clancey Associates Architects Inc. (KWC) to assess the impact of the changes to general residential provisions recommended by the Planning Partnership report on development potential in the R5 and R6 zones. The report by KWC is also on file with the Regional Clerk. KWC concluded that with the changes recommended by the Planning Partnership, there was no longer a reduction in unit potential compared to the previous by-law, Z2-K, in almost all the sites modelled.

Staff meanwhile pursued further investigation of the changes in height limits in Centretown and the removal of apartments as a permitted use in portions of Hintonburg, Dalhousie and Sandy Hill. These zoning changes were evaluated in the context of the policies in both the Regional and City Official Plans concerning opportunities for infill and redevelopment, land use compatibility and heritage preservation. Heritage concerns were identified through examination of heritage overlays in the zoning and of the *Centretown Heritage Conservation District Study*. Staff also met with representatives of the affected neighbourhoods and took a tour of portions of Hintonburg and Dalhousie.

The approved Ottawa Official Plan directs major residential development to locations near transitway stations or selected locations along arterial roads relatively isolated from existing low profile, ground-oriented housing (and to some other locations not relevant to Centretown or the other inner urban neighbourhoods). Moderate residential development may occur along arterial or major collector roadways; on vacant or underutilized sites already built at moderate intensities; or adjacent to areas with several existing community services and neighbourhood conveniences. The Regional Official Plan directs infill and redevelopment to locations along or adjacent to roads with all-day, frequent transit services, and to rapid transit stations. There is a specific objective in the Regional Development Strategy to encourage new housing in the Inner Area.

In Centretown, the issue was that although an R5 zoning, which permits low-rise apartments (defined as up to four stories) had been maintained, the height limit had been reduced to 10.7 metres, which generally permits only three and a half stories, from 13.5 or 18.3 metres. It was discovered that the changes in height limits had been appealed only south of Gladstone. Based on the official plan policies presented above, staff focused on the impact of the re-zoning on properties along Bronson, Bank and Elgin. Bank Street is not affected; it has a commercial zoning. Heritage concerns were identified along portions of the remaining streets. The result was that such a small number of sites remained that the difference between three and a half versus four stories cannot be argued to have a significant impact on overall unit development potential.

Substantial portions of Sandy Hill, Dalhousie and Hintonburg were re-zoned from R5 under Z2-K, which permitted apartments, to R4 under 93-98, which permits stacked townhouses, but not low-rise apartments. Most of the rezonings were not along arterial or collector roads or transit routes. Somerset-Wellington has a commercial zoning and is not affected by the re-zonings. In this instance as

well, the number of sites where an argument of non-conformity with the Regional Official Plan might be pursued was too small to argue a significant impact on overall development potential.

Ottawa Planning and Economic Development Committee and City Council have approved the changes to By-law 93-98 recommended by the Planning Partnership. Based on the work by KWC, this has removed almost all decreases in development potential in R5 and R6 zones from that permitted under the previous zoning by-law. The next step will be for the City to adopt these changes in an amending by-law. Staff intend to inform the City that, subject to any appeals of the amending by-law, the Region does not intend to maintain its party status to the residential appeals.

*Approved by:*

*N. Tunnacliffe, MCIP, RPP*

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-Planning and Development Approvals Commissioner's report 29 June 1999

Chair Hunter advised Councillor Holmes had asked (and Councillor Legendre had agreed to move a motion) that this item be moved to the regular agenda for discussion as the matter would be the subject of an Ontario Municipal Board hearing later in the summer.

Councillor Holmes explained the Region was not an appellant but staff had asked for (and received) party status because there was concern about the City of Ottawa down-zoning and how it might affect the Region's ability to bring in the number of housing units needed to meet the goals of the Regional Official Plan (ROP), specifically in the central city wards. In their report, staff are now advising that the Region does not need to maintain its party status and this was of concern to the Councillor.

Moved by J. Legendre

**That the Rules of Procedure be waived to consider this item currently listed under the "Information Previously distributed" Section of the Agenda.**

CARRIED

Councillor Holmes explained staff initially asked for party status because many of the groups that were appealing the City's by-law, claimed the objectives of the ROP would not be materialized because of the down-zonings and the loss of unit potential in the City of Ottawa. Staff are now advising the Region does not need to take part in the appeals before the OMB because they feel it is not a regionally significant reduction. The Councillor noted Centretown Non-profit Housing Corporation is continuing to appeal because of the down-zonings in Centretown, Dalhousie, Sandy Hill and Hintonberg. In Centretown it has been a height reduction; the zoning has remained the same (R-5 which allows apartments). In the other communities of Sandy Hill, Hintonberg and Dalhousie it has gone from an R-5 to an R-4 which allows only townhouses and stacked townhouses.

Councillor Holmes advised she was asking that the Committee request the Planning and Development Approvals Department to remain with its party status at the OMB to assist mainly the Centretown Non-Profit Housing corporation in

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their appeal of the City of Ottawa's Zoning By-law and the down zoning that has resulted.

At Committee's request, Tim Marc, Manager, Planning and Environment Law noted he had distributed to members of the Committee an extract of the Centretown Ottawa Citizens Association's (COCC) notes of appeal and also a map showing the central area of the City where the CCOC is looking for support from the Region.

Carol Christensen, Senior Project Manager, Land Use, Policy and Planning Branch, stated when staff were considering whether or not to maintain party status with regard to the down-zonings, they examined the areas which had been subject to the down-zonings in the context of both Regional and Local Official Plan policies. She noted the ROP directs infill and redevelopment primarily to areas where there is high frequency transit service and rapid transit stations. The Local Official Plan directs the major development to selected areas along arterials and then moderate plus major collectors. Staff concluded that, with a few exceptions, most of these areas do not fall within the described locations in the ROP and therefore they did not feel the Region could argue a strong case of Regional interest and any issue of ROP conformity.

Committee Chair Hunter opined cutting building heights in half from Elgin to O'Connor, Lisgar to Gilmour, would have a significant effect on the ROP objectives, noting they were based on the FoTenn report which called for a considerable amount of high-rise development. Ms. Christensen noted her comments concerned areas that had been zoned from R-5 to R-4 which meant low rise apartments (up to four stories) which had previously been permitted were no longer permitted. She noted the CCOC had not appealed the changes regarding height limits in Centretown and therefore the Region is not in a position to be party to an appeal on their part in the change of the height limit. She stated there are other appellants who did appeal this but it is not clear whether they will be maintaining their appeals or not. The vast majority of the area where the height limit has been changed, is not under appeal and therefore not in front of the Board. Ms. Christensen advised when the issues of heritage conservation are taken into account for the two to three block area where the height limits are changed, there are not many sites that could be argued are a loss of potential.

Dennis Carr, Centretown Citizens Ottawa Corporation (CCOC) advised CCOC is a private, non-profit housing corporation with a 25 year history of building and managing affordable housing in the central areas of the city. Mr. Carr advised CCOC is not the only appellant to the down-zonings and he said he was

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not aware of any developer to that appeal that has pulled out. He did say however, most of these developers have been satisfied by the amendments recently passed by the City.

Mr. Carr said although these amendments would appear to have satisfied the concerns of Regional staff, he felt they were not correct with respect to the issue of down-zonings. He noted it is a large area and almost the exact area that the City and Regional Official Plans call for intensification, affordable housing, a mix of housing types and tenures, and better use of the existing services. He opined these objectives would be undermined by the down-zonings. Mr. Carr questioned, if these areas are down-zoned, where the compensating up-zonings in the City or the Region would be and also how the Region would achieve its ROP policies.

Committee Chair Hunter advised that Councillor Munter had put forward a motion that Regional staff continue to participate in the appeal of Ottawa's zoning by-law.

Mr. Marc said he understood, from the discussion at the meeting, the meaning of Councillor Munter's motion however, he said it would be of assistance if the motion were more specific and referred to "Item 1 of the CCOC appeal".

Committee Chair Hunter questioned the reason for being so specific and asked why staff would not want to be party to the whole appeal. Mr. Marc noted many parties were looking to the Region for leadership on this issue and the extent to which we stay involved will be a significant factor according to which other parties stay involved. He said there would be no appeal on the entire by-law, unless the Region wants there to be. Mr. Marc noted he had spoken with the solicitors representing the other major developers and they knew this item was before Committee and had chosen not to participate.

Councillor Munter stated he could not understand why the specificity is required, when the Region has already been granted broad party status to the appeal. He said his motion merely confirms the Region's continued participation in the process. Mr. Marc advised the matter is scheduled for a hearing on August 31, 1999; the scope of that hearing will depend on what the appellants are prepared to bring forward and this will depend on what the Region is willing to carry the ball on.

Ms. Christensen added when staff appeared at the pre-hearing and requested party status, they were clear to the Board it was because the issue had been raised and staff needed to investigate further. Staff then commissioned the work by FoTenn, who advised there was not an overall Regional Development Strategy issue in

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terms of unit potential and this has since been communicated to the Board. FoTenn did identify problems with the apartment zones (R-5 and R-6 zones) and the down-zonings. The City commissioned another piece of work by another consultant on the general provisions that govern the R5 and R-6 zones, which the Region had evaluated by Katz, Webster, Clancey and they have concluded the changes in the provisions governing the R-5 and R-6 zones have restored any development potential that was lost under the new by-law. She said while it was perfectly appropriate for the Committee to direct staff to maintain a concern with the down-zonings, it would be very difficult for Mr. Marc to argue on some of these other issues, given the work that has been done to date.

Mr. Carr noted the consultants report done for the City, did not address the issue of down-zonings, nor did the Region's Katz, Webster, Clancey report.

The Committee then considered the following motion.

Moved by A. Munter

**That Planning and Environment Committee recommend that Council confirm staff's continued participation in the appeal of Ottawa's zoning by-law to protect the Regional interest in ensuring the implementation of the Regional Official Plan, with particular respect to Item #1 of the CCOC appeal.**

CARRIED

Moved by A. Munter

**That Council be requested to waive the rules of Procedure to consider this item at its meeting of 14 July 1999.**

CARRIED

**Notice of Appeal  
The Zoning Bylaw 1998  
City of Ottawa Bylaw Number 93-98**

Many provisions and residential zones of Bylaw 93-98 fail to implement the residential land-use policies of the City of Ottawa's Official Plan. Our objections are based on the following key principles and policies of the Official Plan:

- Encourage an efficient use of land, primarily for housing, through sensitive infilling and conversion of existing dwellings to create a more compact form of development;
- Permit affordable housing and a choice of housing types and tenures in all neighbourhoods while maintaining neighbourhood character;
- Establish regulations which will enable rather than preclude infill, conversions and new development on vacant lands.

Specifically, we are appealing the following:

**1. Neighbourhood Downzonings.**

Large residential areas of Hintonburg, Dalhousie and Sandy Hill have been down zoned to R5 from to R4. These changes eliminate the opportunity to construct apartment buildings in areas where they were previously allowed and will have a major negative impact on redevelopment of existing stock. We are appealing the R4 designations for the following areas:

- a) Neighbourhood Monitoring Area 14 (Dalhousie), sub-areas 1, 2, 3, and 6
- b) Neighbourhood Monitoring Area 9 (West Ottawa) sub-areas 6, 7, 9 and 10.
- c) Neighbourhood Monitoring Area 20 (Sandy Hill), sub-areas 4 and 5.

**2. Downzoning of CCOC Properties**

We object to the downzoning of the following properties:

- a) 82-84 Putman; previously R4, proposed: R3J,
- b) 212-216 Carruthers; previously R5-X(1.0), proposed: R4D,
- c) 20 Robinson; previously R6-X(1.5), proposed: R5D [181],



FROM R5C  
TO R4D

**HEIGHT CHANGES ONLY**

18.3 m TO 10.7 m

18.3 m TO 13.5 m

13.5 m TO 10.7 m

FROM R5A  
TO R4D

FROM R5B  
TO R4C

FROM R5D  
TO R4D

FROM R5C  
TO R4D

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OF CITY OF OTTAWA ZONING BY-LAW 93-98

- *Referred back to Committee by Regional Council at its meeting of 27 Oct 99*
- Planning and Environment Committee Co-ordinator's report dated 28 Oct 99
- Planning and Development Approvals Commissioner's memo dated 29 Jun 99

Carol Christensen, Senior Project Manager - Land Use, Policy Planning Branch, Policy and Infrastructure Planning Division, Planning and Development Approvals Department, provided Committee with a brief overview of the staff report.

The Committee then heard from the following delegations.

Jay Baltz, President, Hintonburg Community Association, advised he had been very closely involved in the public process of the development of Ottawa's new zoning by-law since approximately 1996 on behalf of the Hintonburg Community Association and the Federation of Citizens' Association. He said he had served on several working groups and steering committees. He indicated he wanted to speak about whether the Region should be involved in one of the last remaining appeals against what he believed to be a good new by-law for Ottawa.

Mr. Baltz offered his opinion that apartment buildings were not included in the R4 zones because of compatibility. He referred to a package of material he had provided to members of the Committee (held on file with the Regional Clerk) and noted it contained excerpts of the relevant portions of the Region's and the City's Official Plans. Both the Regional and City Official Plans require that in-fill re-developments are compatible with existing communities. He said in the communities that were the subject of this appeal, there are very few apartments (if any), in the R4 zones; R5 and higher zones exist and that is where the apartments are and should be.

Mr. Baltz went on to say the R4 zones are street oriented, they are house form (e.g. townhouses, stacked townhouses, etc.), have front and back yards and fit into the community. Apartment houses are not compatible with what is there now and would go against the Official Plan.

The speaker noted the other point he wanted to make was whether there had actually been a "downzoning", as the Centretown Citizens Ottawa Corporation (CCOC) contends. Mr. Baltz noted in the old bylaw there were 14 residential zones while the new by-law has 6 residential zones. He felt, because they are different scales, the various zonings could not be compared but rather the provisions should be looked at individually.

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Mr. Baltz, using the overhead projector, referred to the chart included in his handout, which showed the types of residential units allowed in Hintonburg under the new and old bylaws. He noted what used to be considered apartment houses (i.e. three units and up) are now broken up into different categories. Under the new R4 zone, three and four unit apartments (or tri-plexes and four-plexes) are allowed; the only thing not allowed (which was allowed under the old by-law) in the R4 zoning are apartments of five or more units.

Mr. Baltz went on to point out the other differences between the old and new by-laws, such as the decrease in both the width and minimum lot area that is allowed under each of the uses and the removal of the Floor Space Index (as a control on building density), noting the significant “up-zoning” in terms of density that occurs in the new by-law. Mr. Baltz also drew the Committee’s attention to a map of Hintonburg included in his handout, which showed the areas where apartment buildings of up to six stories, are still allowed.

Mr. Baltz noted a report on the CCOC’s website contends that the zoning in Hintonburg went from R5C to R4D and he stated this was not true. He said Hintonburg was never zoned R5C in the old by-law; there was a draft by-law prior to 1996 that had Hintonburg zoned as R5C but this was a working document. A downzoning has not occurred from the old by-law to the new by-law but rather, Hintonburg has been significantly intensified

In concluding his remarks, Mr. Baltz stressed there is significant potential for putting the kinds of apartments the CCOC is asking for in Hintonburg, on the Regional Roads (as set out in the Regional Official Plan). He noted the Region’s planning staff are of the opinion there is not sufficient basis to continue with this appeal. He asked that the Region withdraw from this appeal as it does not have any planning basis.

Responding to a question posed by Councillor Linda Davis (Ward R15), Mr. Baltz responded that had the members of the community had to opportunity to address this issue the last time it was before Committee (i.e. 13 July 1999), he believed they could have shown that there was in fact no downzoning. He felt the Committee has been misinformed, noting that the new by-law underwent a lengthy, comprehensive process that resulted in a significant up-zoning of the Hintonburg area.

Councillor Davis asked staff to comment on the issue of downzoning. Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department, replied the main difference between the new by-law and the old by-law in this area is whether or not apartment buildings are permitted. He stated staff did not use the word downzoning, rather, the CCOC characterized it as a downzoning in their appeal (page 11 of the Agenda).

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Referring to the diagram shown by Dr. Baltz, which identified many areas for development in terms of apartments, in the Hintonburg area, Councillor Davis asked staff if this would conform with the Region's intent to allow for intensification. Mr. Tunnacliffe replied that allowing apartments conforms to the intensification goals of the Official Plan. He said staff looked at the Region as a whole to see if the provisions of the Official Plan could be met and he confirmed that Hintonburg in combination with all of the other communities, meet the targets of the Official Plan.

Councillor Munter asked the delegation to outline his objection to apartment buildings of more than five units. Mr. Baltz advised the areas zoned R4, are for the most part, single family houses and converted single family houses (e.g. tri-plexes and four-plexes) which are ground oriented and have back yards and front yards. He said apartment buildings are cut off from the community by the way they are built in almost all cases. Apartment buildings tend to fill up most of the space on a lot, they tend to disrupt the use of amenity space and cause parking problems and the people in apartments tend not to interact with the community but to form separate communities on their own. Mr. Baltz felt the place for apartments is at the periphery of the community, along the major arterials just as the Regional Official Plan calls for. He said intensification and affordable housing are worthy goals but compatibility must be factored into these goals.

Mr. Baltz pointed out currently the community is actively supporting a CCOC project in Hintonburg, just off of Wellington Street that required a rezoning from R4 to R5, but they could not support apartment buildings of greater than three stories being built next to houses. He said the house forms allowed in the R4 zone keep the downtown neighbourhoods stable and keeps people living in the City.

Responding to further questions from Councillor Munter, Mr. Baltz stated that apartment buildings larger than four stories would not be allowed, even in the R5 zone. He said however, another objection, is that every other built form allowed under the R4 and R5 in terms of residential is three stories; only apartments are allowed at four stories. Most of the houses are two to two and a half stories and these apartments would dwarf them and would be completely out of scale.

Referring to a comment made by Mr. Baltz, Councillor Munter pointed out it might or might not be affordable housing. Mr. Blatz agreed and noted that because the CCOC is bringing the appeal, it has become an "affordable housing issue". He said anyone could build these apartment buildings and they could be \$2000 per month apartments, however, it would still be the same argument, that you need a good reason to change the built form and character of a neighbourhood.

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Peter Childs, Dalhousie Community Association, had provided members of the Committee with a chronology of the public consultation process concerning the City of Ottawa's by-law (held on file with the Regional Clerk). Mr. Childs began by saying he (and the other community associations) had received no notification of this matter when it was first considered by Planning and Environment Committee and Council in July. He felt this was fundamentally wrong as the public should have had an opportunity to speak to the Committee on this issue. He encouraged the Committee members to look at the public participation in relation to this and other issues.

By way of explanation, Committee Chair Hunter noted in July, the item was presented as an information item, which meant that everyone who received the Agenda knew that the item was coming up as an information item. A Councillor came to Committee and advised it was an emergency that this item be dealt with, as it was the last meeting of the summer and there was an Ontario Municipal Board (OMB) hearing scheduled at the end of August. With that information before the Committee, they made the a decision on what was considered an emergency situation at the time and because the last Council meeting of the summer was the next day, it then had to be forwarded to that meeting.

Mr. Childs noted in the Minutes of the July meeting, Regional Legal staff had notified several developers that this issue was coming forward, yet the communities involved did not receive notification. He said if it had been an emergency that would have been fine, but when some members of the community are notified and not others, this was wrong.

Chair Hunter noted fortunately, the OMB hearing did not take place and members of the public now had the opportunity to speak to the issue and the Committee had the opportunity to redress a wrong.

Councillor Munter, adding to the explanation given by Chair Hunter, noted the request at the July meeting was to have the item put on the Agenda for the next meeting in September. It was Legal and Planning staff that advised that if the Committee did that, it would be too late, as the OMB hearing had already been scheduled.

Mr. Childs then went on to say that under the previous zoning there had not been any substantial residential development in the downtown R4 zones, in the past 30 years and he posited this was basically because the range of uses, the height limits and the built forms allowed were so broad that it discouraged people from building. He stated in order to encourage people to move into the downtown core, there must be the same stable zoning and choices that are given in the suburban areas. He urged the Committee to instruct that the Region withdraw from this appeal.

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Linda Hoad, Federation of Citizens Association (FCA), advised the FCA had been involved in the development of the City of Ottawa's zoning by-law and had appointed people to participate in the process and monitored it closely, as it affects many of the FCA's members. She said when they found out the Region had asked to become a party to residential zoning appeals, they monitored the progress of the studies that the Region was doing. The FCA met with Regional staff in April, 1999 to explain to them the lengthy process which had already gone on and to inform them then appellants had participated in the negotiations that led up to the passing of the first version of the by-law and had then appealed what they had agreed to in the negotiated sessions. As well, the FCA took staff on a tour of the affected areas so they could see the existing house forms, what the concerns of the neighbourhoods had been and what house forms might be compatible with the areas.

Ms. Hoad emphasized the main issue was compatibility. The FCA feels the City's zoning by-law implements the policies of the City of Ottawa's Official Plan and meets the objectives of the Region's Official Plan. She noted there had been three consultants studies done, that confirms the zoning bylaw will allow the intensification objectives to be met, in a way that is compatible with existing neighbourhoods as stated in both the City's and Region's Official plans. She felt it would be unfair to taxpayers, having already paid for three consultants' studies, to have to fund an OMB appeal that has so little merit.

Ms. Hoad concluded her remarks by saying she had personally supported affordable housing at many points in her life and stated it was an important objective but it could not come before the Official Plan policies and the question of neighbourhood compatibility. She asked that the Region withdraw their participation in the appeal.

Councillor Davis asked Mr. Marc what the approximate cost of the OMB hearing would be, since Regional staff could not represent the Region. Mr. Marc estimated the cost would be between \$5,000 and \$10,000.

Peter Marwitz, President, Action Sandy Hill (ASH), provided a brief history of ASH, noting it was formed 30 years ago and one of its first priorities was to defend against high rise buildings. To this day, they have had to "defend their turf" and will continue to do so. He said there is a tendency for some Councillors in the City and the Region to be unduly swayed by developers and he emphasized this was a development issue and not a CCOC issuer per se. He offered the CCOC has a good and honourable reputation and he could understand why the Committee would be eager to assist them, believing them to be right, however, he pointed out they are not right 100% of the time and they are not right in this instance.

Mr. Marwitz went on to say the residents of Sandy Hill are not against the poor and he provided some statistical facts obtained from the Statistics Canada, 1996 Census: 76.9% of all housing in Sandy Hill consists of apartments - many of them five stories or more; 71.5% of all Sandy Hill residences were constructed before 1970; half of all those residences were constructed before WWII; the incidence of low income in Sandy Hill is 36.8%. He also noted that 78% of all rooming houses in the City, are in the areas of Lowertown, Sandy Hill, Centretown, Dalhousie and Hintonburg (as taken from the 1996 City of Ottawa report on rooming houses).

Mr. Marwitz then explained how this zoning change impacts Sandy Hill: it covers 8 blocks in one area, and several blocks in another and the rest of Sandy Hill is basically unchanged (this is where the high rise apartments already are). He said ASH was able to preserve parts of Sandy Hill beyond 1974 and he said they were not interested in "opening up this bag of goodies all over again". Mr. Marwitz said the R4 designation was well understood as being a mix of the housing types such as described by Dr. Baltz. He noted Sandy Hill is the most historic district of Ottawa still standing, with many of the homes in this area built between 1920 to 1950. He asked that the Region not support the CCOC in its appeal.

Catherine Boucher, Executive Coordinator, and Dennis Carr, Development Coordinator, Centretown Citizens Ottawa Corporation (CCOC). Ms. Boucher read from a prepared statement which addressed the CCOC's objectives with regard to affordable housing, and its position on the processes and issues involved (on file with the Regional Clerk). Ms. Boucher also highlighted the objectives for affordable housing contained within the City of Ottawa's and Region's Official plans.

Ms. Boucher noted that in deciding to file an appeal against the downzoning provisions of the city's proposed by-law, the CCOC considered that the impact of the R4 zoning in the areas indicated on the map would mean that:

- No apartment buildings could be constructed in R4
- The R5 zoning, which CCOC seeks in these areas, has a height limit of four stories
- The R4 zoning means that even a two-story, six unit apartment building is not allowed
- Rental housing is the most affordable type of housing for low and modest income households
- The previous zoning (Z2K) allowed for apartments to be built in most of the affected areas.

Ms. Boucher stated although staff reports indicated the Region's goal of housing units were achievable within the proposed zoning, she felt this reflected a total number of units, which would not necessarily meet the needs of all people as stated in the Official Plan. While acknowledging that lot sizes for single family homes in Hintonburg were smaller,

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Ms. Boucher noted the CCOC was not building single family homes, as Hintonburg residents of low or modest income did not generally live in such dwellings. She said the CCOC was looking to build affordable housing such as rental units, noting this was the way most affordable housing was being built. Ms. Boucher said it was not the CCOC's intent to build 80-unit high rise buildings on residential streets, but rather, compatible infill units which did not exceed criteria such as height limits. She stated the CCOC was asking for the ability to build apartments in areas which already have apartments and three-story walk-ups.

Councillor Davis noted the zoning applied to all neighbourhoods, and asked why the CCOC appeal was restricted to Hintonburg, Dalhousie Ward and Sandy Hill. Mr. Carr replied these were areas where the original draft of the City's new By-Law had been designated R5. He said the CCOC had focused on neighbourhoods which had, in its opinion, been "downzoned" from R5 to R4.

Speaking to the issue of neighbourhood downzonings, which formed the first part of the CCOC appeal, Councillor Legendre noted that using Mr. Baltz's data as a reference, it would be unfair to characterize the City's rezoning as a *downzoning*, as three- and four-unit apartments would still be allowed under the R4 designation, whereas five or more units would not. The Councillor then referred to Mr. Baltz's data regarding the categories of semi-detached, duplex and three- and four-plex dwellings, noting this spoke of increased density, which he felt would also speak to increased affordability. Councillor Legendre felt this was in conformity not only with the Regional Official Plan but also with the CCOC's own objectives and vision. Ms. Boucher explained that the CCOC generally supports provisions which increase affordability. She acknowledged that reducing lot sizes for single family homes increases their affordability, however, she noted this would not serve to make them affordable to that part of the population the CCOC is mandated to house.

Councillor Legendre then asked for the CCOC's perspective on data submitted by Mr. Baltz which indicated larger buildings with five or more units were permitted within R5 zones along Regional roads. Mr. Carr explained these commercial/residential zones generally call for commercial uses on the ground floor or first two floors, with residential above, up to six stories in height. He said there is currently no government assistance for housing programs, which had once helped organizations like the CCOC to build high rise apartments. Mr. Carr noted the CCOC had once entered into a relationship with a developer to build a condominium in such a commercial/residential zone. He explained it was difficult for housing groups to enter into such relationships with developers, adding that even if such arrangements could be established, it was generally too expensive to build high rise apartments.

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Noting the supply of money was a separate problem, the Councillor nonetheless felt the rationale of putting larger-capacity apartment buildings on Regional roads and along transit routes made sense. Councillor Legendre also pointed out an earlier speaker had noted that although the R4 designation spoke of increased density, it was respectful of the built form currently in place. The Councillor asked for comment as to how the CCOC's mandate and vision were being limited by the suggestion of building larger apartments along Regional roads and by not being able to do the same in the R4 zone.

Ms. Boucher explained the CCOC had no objection to this vision, noting that in the past not only had it had supported plans for higher, denser, and more intensified uses on arterials and Regional roads, but had, itself, built in this fashion and understood these principles. She felt there was nothing wrong with having a building zoned at a higher height on a Regional road rather than two blocks into an adjacent neighbourhood. She pointed out the CCOC was not asking to be able to build a six story, 80 unit apartment building with commercial at grade in R4 zoned areas. She felt the proposals were fine in principle, but were unrealizable in reality, as the CCOC could not do this, and developers who might be interested in building such a commercial/residential mix were scarce. Ms. Boucher felt that a particular zoning would not automatically mean that Official Plan objectives would be met if there was no one to build the units. She said that because of such constraints and the lack of funding for the kind of housing the CCOC used to build, the CCOC was looking to build more modest developments of between six and ten units. Ms. Boucher stated this was what the CCOC could afford to build, but noted it could not do so on arterial roads. She explained that not only would such a development along an arterial road be inappropriate, but the CCOC could not afford to build enough units to ensure that the value of the land along such a road was paid for.

Councillor Legendre queried staff on the commercial/residential mixed zoning, asking for clarification as to whether the zoning *allowed*, but did not *require* the mix. Ms. Christensen clarified that the first floor of such a building had to have a commercial use at grade, and that an exclusively residential building was not permitted.

The Councillor then asked for staff comment on Ms. Boucher's argument that although the proposals sounded fine in principle, they were virtually unrealizable.

Ms. Christensen acknowledged that historically, many developers had been unwilling to develop commercial/residential mixes, but also noted there had been some developments of this nature recently. She speculated this might not be a problem over the duration of the planning period. However, Ms. Christensen agreed with Ms. Boucher's statement that land values along arterial roads were higher, necessitating denser development to justify land prices.

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Councillor Legendre stated that despite the CCOC's doubts that such a proposal would be realized, he had seen such a mix in other cities which had been very successful. Ms. Boucher reiterated that the CCOC had long supported mixed-use zoning, and had built such a project at the corner of Bank and Gilmour Streets which consisted of commercial use at-grade with residential above. However, she noted it had been necessary to find a partner interested in running a commercial venture. She said making this kind of link was one of the great difficulties, aside from securing resources.

Councillor Munter felt small multiple unit dwellings would not generally cause concerns. He suggested the greater concern was the perception that larger buildings would tower over smaller homes, or that entire blocks of smaller homes might be replaced with a high rise multiple unit building. The Councillor believed part of the City's intent with regard to its new zoning bylaw was to simplify and reduce the number of different categories that had existed. He said part of the problem with the R4 category was its disallowance of five or more units, a number which he felt was ambiguous, and could mean anywhere from between six and 75 or more units. Councillor Munter noted the example of the development on the site of the old Stirling Tavern, where more units could be built while respecting the area's built form and height restrictions, and asked if there was no middle ground from which to differentiate between such numbers.

Mr. Carr felt it was difficult to find vacant or underutilized sites in the neighbourhoods in question where enough land could be amassed to build a larger project. Ms. Boucher added this was not easily done in areas where homes were owned individually. Mr. Carr explained the CCOC found it more economical to build three-and-a-half story wood frame walkups. Mr. Carr felt the present meeting was not the forum to be discussing compromises, but offered that one could be to limit height to three and a half stories. However, Ms. Boucher added that even with such a height limitation, to construct a larger number of units, a building would either take up too much land area or would be limited by setbacks and other such factors to such a degree as to make the project impossible.

Responding to Councillor Davis's question whether the CCOC-backed project on the old Stirling Tavern site was in the area to be affected by the zoning change, Mr. Carr explained the site was currently zoned Commercial/Residential, but there was a zoning change being brought forward to change this to the new R5 designation.

Councillor Davis pointed out that while the R5 zoning would primarily be along Regional roads, it also encompassed areas such as Armstrong Avenue, which ran parallel to Wellington Street, from the Neighbourhood Services building location as far as Parkdale Avenue. The Councillor suggested this would still allow the CCOC to build the kind of buildings it wanted to within Hintonburg, given the financial ability to build.

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Mr. Carr acknowledged that most of the sub-areas would have pockets of R5, but he noted these areas probably contained existing buildings which were being maintained.

Councillor Davis noted the former Pooley's Pub was being rebuilt after a fire, and would encompass commercial uses on the ground floor, with two stories of apartments above. She asked if the CCOC had looked at partnership possibilities in terms of a commercial/residential split. Mr. Carr replied the CCOC had done so, but that there were problems in both the economic aspect and in finding a partner who wanted to deal with housing.

Councillor Davis then referenced ownership/rental statistics for Kitchissippi, Somerset and Rideau-Vanier wards which indicated the majority of dwellings were rental units. She felt this indicated these wards were well-served by the amount of available rental accommodation, and said she found it odd the CCOC was targeting the areas noted in its appeal. The Councillor felt it might have been beneficial for the CCOC to broaden its scope. Ms. Boucher felt it might be better to wait, as municipal restructuring might bring Region-wide changes to by-laws which could be addressed at a later date.

Chair Hunter pointed out Council had referred the Commissioner's delegated authority pertaining to financial expenditures for continued participation in this matter back to Committee to allow for approval and full public participation and discussion. He then read the following Motion from Councillor Stewart:

**That the Planning and Environment Committee recommend that Council approve that the Region withdraw its support with respect to Item No. 1 of the Centretown Citizens Ottawa Corporation (CCOC) appeal of the City of Ottawa's Zoning By-Law No. 93-98.**

Councillor Munter asked Councillor Stewart whether her Motion spoke to financial support, or was asking that the Region withdraw entirely. Councillor Stewart explained her Motion referred to financial support.

Tim Marc, Manager, Planning and Environment Law, Legal Department, informed Committee that in the Legal Department's view, passage of either a Motion to withdraw support or a Motion to withdraw financial support would have the same effect.

Councillor Munter noted the discussion had centred on whether the Region would support the CCOC appeal before the OMB, or withdraw from the matter and not participate. He asked about the possibility of a third option, that of participating in the hearing and discussion, while taking a position which might support provisions for a zone where five to ten unit walk-ups with a three and a half story height limit would be permissible, while ten or more units would not. The Councillor asked if the Region could take such a

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position which would, in part, support both the CCOC and the community. Mr. Marc confirmed this was within the latitude of Planning and Environment Committee to direct.

Councillor Munter asked for comments from Planning staff about the notion of protecting the ability of providers like the CCOC of developing the kind of projects they had discussed. Ms. Christensen said staff could argue before the Board for permission for a project of the type described; a walk-up with a maximum limit on the number of units. However, she pointed out zoning would not determine who the developer of such projects would be, in that the permission would apply to any developer in compliance with the by-law.

Councillor Holmes provided Committee with an overview of changes in the downtown community over time. She noted the widening of roads and zoning changes which permitted construction of high rise buildings in the 1960's had destabilized downtown communities, leading to an exodus by the middle class. She said massive downzonings in the 1970's were an attempt to bring the middle class back, and to encourage investment in the buildings and to try to stabilize these communities. The Councillor stated there had been successive downzonings over time which have generally worked, and have seen the middle class return to reinvest in and revitalize the downtown core. Councillor Holmes felt neighbourhoods have benefited from the stability such zoning allowed.

She outlined the Centretown Community Association had established the CCOC in the 1970's at the time of the downzonings in an attempt to maintain a modicum of affordable housing. She noted positive results of the stabilization of these neighbourhoods included a rise in property values and major investment by individuals who chose to buy, renovate and stay. She said she supported height reductions which would add another element of stability, but felt it was important to maintain the modicum of affordability as these neighbourhoods stabilized and saw the middle class return.

Councillor Holmes said she also supported the CCOC's Appeal because of the view being proposed that future tenants be restricted to apartment buildings on major arterials and Regional roads. She noted the CCOC had some such buildings, which were difficult to keep occupied because of problems associated with noise, vibration, fumes and heavy night time traffic. The Councillor felt Regional roads were less attractive to live on, and there were more pressures from being a tenant on a Regional road than on a quieter city street. She felt the Official Plan was speaking to exclusionary zoning, and felt it would be helpful if more care were taken in terms of juxtaposing commercial and residential uses.

Councillor Holmes also felt that communities' fears of blocks of smaller homes being bought out to be replaced by long rows of four-story apartments were unlikely to be realized, as developers were not interested in such developments because construction

costs precluded any quick return on their investment. She said this left the building of affordable rental units to non-profit agencies such as the CCOC who could, because of the current proposed downzonings, be precluded from building anywhere except on a Regional road. For these reasons, the Councillor urged the Region's participation in the appeal. She indicated she would be in support of any suggestions for smaller walk-up apartment buildings or limiting the number of units, as this could reduce the communities' fears.

Councillor Munter indicated he was putting forward the following motion:

**That staff be directed to maintain the Region's participation in this appeal, however, taking the position that five to ten unit walk-up projects, with a three story height limit also be permitted in the contested zones.**

Councillor Munter noted the Committee had heard some germane testimony from the community in terms of their concerns about large scale development that is not compatible with their neighbourhood. As well, they have also heard from CCOC that they do not intend to build that type of large scale development but in fact want to build smaller, walkup projects. He said the problem was, when the zoning is changed, it applies to everybody and as Dr. Baltz pointed out, it applies to someone that might want to build some massive condo complex as well. The Councillor said what the Committee did in July, was to support the appeal "carte blanche" and he said he was prepared to reconsider that based on the input of the community. Councillor Munter stated he agreed with the community in terms of their concerns about compatibility but felt that small scale development of walkup projects should be permitted in the zones in question and that the Region should take this position before the OMB.

Councillor Davis stated although Councillor Munter had suggested this as a compromise, she did not feel it was one. She said, as was clearly demonstrated by her community, it was not a matter of the CCOC not being able to find properties available other than on Regional road; there are many areas in the Community (e.g. on Armstrong Street) that are already zoned R5.

The Councillor referred to comments made to effect that "no one is building, that it would not likely ever happen so let's just go ahead and pass it". She said she had difficulty with this and questioned why, if it is truly believed this will never happen, Committee would want to oppose what three communities are asking for.

Councillor Davis urged the Committee to support Councillor Stewart's motion. She felt if every community had had the opportunity to do what Dr. Baltz had done (on a volunteer basis), to actually show the areas in their communities with R5 zoning, the Committee

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would have had a better, more accurate picture. The Councillor said her community is moving forward with intensification and are working with the homeless groups to see that type of housing within Hintonburg as well, but she said, the “blanket” zoning as proposed is not is just not consistent with the community and is not supportable.

Councillor Davis thanked the Committee for having this matter brought before them. She said it saddened her that the people within the community had partaken in a very lengthy process with the City of Ottawa on this zoning by-law and then were not given the opportunity to address it when the matter was considered by Committee in July. She felt the Committee’s decision would have different had the community been afforded the opportunity to speak at that time.

Councillor Stewart advised she had learned a valuable lesson from this process, indicating she believed the Committee had not spent sufficient time on this issue when it was before the Committee in July and said she would be more careful in the future. The Councillor noted that although it was commendable that Councillor Munter was reconsidering his previous decision and had expressed agreement with the community, she suspected the community would not necessarily agree with this compromise. To approve it without consulting with the communities, would be a further insult.

Councillor Stewart felt the arguments from the various community groups were very compelling and stated she was very supportive of a community that comes forward to advise that the decisions Committee and Council are about to make, will negatively impact their quality of life. She urged the Committee to support her motion, moved on behalf of Councillor Davis, because she felt it was the right thing to do at this time.

Committee Chair Hunter then read the motion put forward by Councillor Stewart and noted if this motion passed, Councillor Munter’s motion would be redundant. If Councillor Stewart’s motion were to fail, then Councillor Munter’s motion would be discussed and voted on.

Moved by W. Stewart

**That the Planning and Environment Committee recommend that Council approve that the Region withdraw its support with respect to Item No. 1 of the Centretown Citizens Ottawa Corporation (CCOC) appeal of the City of Ottawa’s Zoning By-Law No. 93-98.**

CARRIED as amended  
(J. Legendre and A. Munter  
dissented.)