

REGION OF OTTAWA-CARLETON  
 RÉGION D'OTTAWA-CARLETON

REPORT  
 RAPPORT

Our File/N/Réf.                      **50 23-99-R082**  
 Your File/V/Réf.

DATE                                      07 April 1999

TO/DEST.                                Co-ordinator Transportation Committee

FROM/EXP.                              Director Mobility Services and Corporate Fleet Services  
 Environment and Transportation Department

SUBJECT/OBJET                        **PROPOSED PERMANENT SURFACE ENCROACHMENT AT  
 137 MURRAY STREET, OTTAWA**

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### **DEPARTMENTAL RECOMMENDATION**

**That the Transportation Committee recommend Council reject the proposed permanent surface encroachment at 137 Murray Street.**

### **BACKGROUND**

The Environment and Transportation Department received a letter from Mr. Claude Lauzon requesting an encroachment, consisting of an entrance, a vestibule and a solarium to a bar/lounge at 137 Murray Street, (north side, just east of Dalhousie Street). Due to the magnitude of the proposed encroachment, a response was sent to Mr. Lauzon advising that the Environment and Transportation Department could not recommend that the public road allowance at the subject site be encumbered with the proposed building addition. A second letter was received requesting the Environment and Transportation Department to reconsider the recommendation. This second letter, together with previous correspondence, is attached as Annex 'C'. A Key Plan, and a Plan showing the proposed encroachment are attached respectively as Annex 'A' and Annex 'B'.

### **DISCUSSION**

In general there are two types of encroachments, temporary and permanent as well as sidewalk cafés/patios. This application falls into the long term category, so it is considered a Permanent Surface Encroachment, which generally deal with the following:

- encroaching bay windows on older existing buildings,
- existing fire escapes,
- ornamental rock gardens and flower beds, and,

- construction of a new facade to an old building, etc.

In order to determine the appropriateness of a proposed encroachment various ‘tools’ are at the disposal of staff, of which some are: the Regional Regulatory Code, the Regional Official Plan, the Regional Transportation Master Plan and the Regional Road System Right-of-Way Requirements Review Study.

- Under subsection 2.10.1 (8) of the Regulatory Code the proposed encroachment is identified as a ‘*Permanent Surface Encroachment*’.
- Under subsection 9.2.8. a) of the Official Plan, the following environmental guideline for pedestrian facilities on Regional roads is given; ‘*provide a minimum effective sidewalk width of at least 2.0 m with a separation from vehicular traffic in the form of a boulevard of 2.0 m where feasible, and under no circumstances provide an effective sidewalk width of less than 1.5 m*’. Effective sidewalk width is the width remaining after reductions are made to take account of the natural inclination of pedestrians to keep clear of obstructions such as buildings or street furniture, and danger zones such as areas of moving traffic. The effective sidewalk width varies with pedestrian volumes, i.e. the greater the volume the larger the required sidewalk width. The Department uses 0.45 m clearance for obstructions on both sides of the effective sidewalk width to determine the total sidewalk width, with additional clearances for unusual circumstances such as window shopping areas, trees, fire hydrants, parking meters, etc. To give an example, an effective sidewalk width of 1.5 m with two clearance zones of 0.45 m would require a total sidewalk width of 2.4 m.
- The Transportation Master Plan, page iii, encourages; ‘*better promotion of walking, improved maintenance of pedestrian facilities through co-ordination among responsible jurisdictions, and enhanced pedestrian-friendly design practices*’.
- The minimum planning requirement on the Urban Cross-Section of the Regional Road System Right-of-Way Requirements Review Study calls for a minimum inner boulevard of 0.5 m with a 1.5 m sidewalk and an outer boulevard of 1 m.

Applying the parameters of the above-mentioned ‘tools’ to the subject application, a minimum distance of 2.85 m from edge of pavement to the wall is required. This includes the additional offset requirement of 0.45 m due to the fact that the proposed encroaching wall has an entrance-door located in it.

To provide a practical example; if an outdoor patio was applied for at this location, Council policy would require 2.4 m of clear space for pedestrian use, and the remainder of the unused boulevard area could be used for the patio. This calculation is based on the peak pedestrian volume being less than 500 per hour (1.5 m of effective sidewalk width required to accommodate) with 0.45 m clearance for the curb and 0.45 m clearance for the outdoor patio. If a request was made, a 2 m wide outdoor patio could be approved immediately adjacent to the building.

As the subject site is located within the City of Ottawa, and the Transportation Master Plan recommends *co-ordination among responsible jurisdictions*, this proposal was submitted for comment to the Engineering Branch of the City's Department of Urban Planning and Public Works who provided the following comment; *'Should this Branch receive a similar proposal to construct a permanent structure within a City road allowance, staff would object to such a proposal as required in the Encroachment By-law 167-73. This section of the by-law prohibits the construction of any permanent surface structure.'*

Currently this Department is investigating the possibility of street scaping Murray Street between Sussex Drive and King Edward Avenue.

Generally, permanent encroachments are of a minor nature and, according to the provisions of the Regulatory Code, an annual fee of \$100 must be charged. However, in the event that Committee and Council wish to accommodate the applicant by granting this encroachment, then staff suggests the matter be referred to the Real Estate Services Branch for the purposes of negotiating a lease at fair market value.

#### CONSULTATION

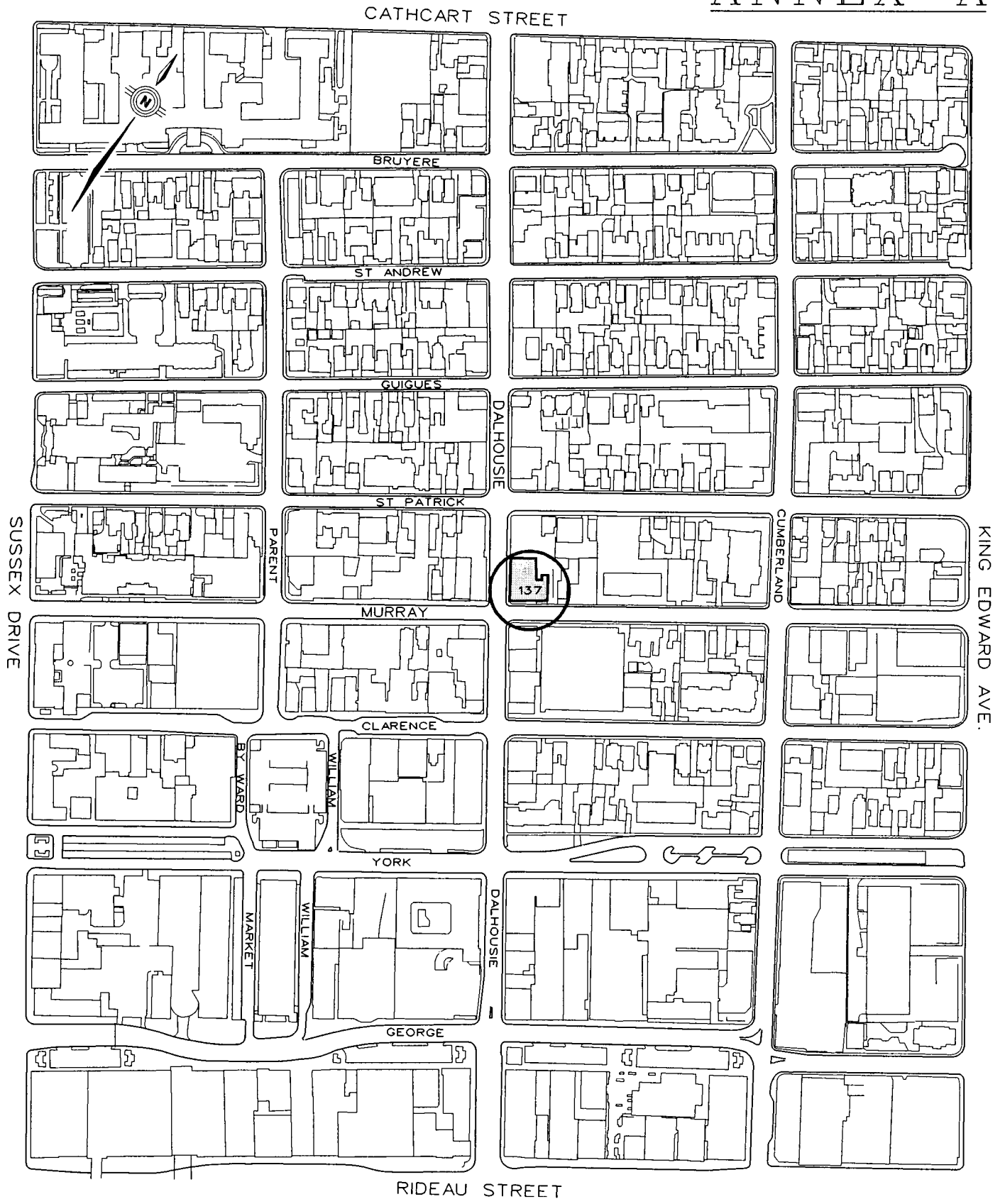
No public consultation was undertaken as the proposal does not conform to Regional Council policy. Should Committee wish to deviate from its policy, the Department would recommend that the 'outdoor patio' consultation practice be undertaken, i.e. residents within 60 m be circulated a flyer outlining the proposal.

*Approved by  
Doug Brousseau*

WVH/gc

Attach. ( 3 )

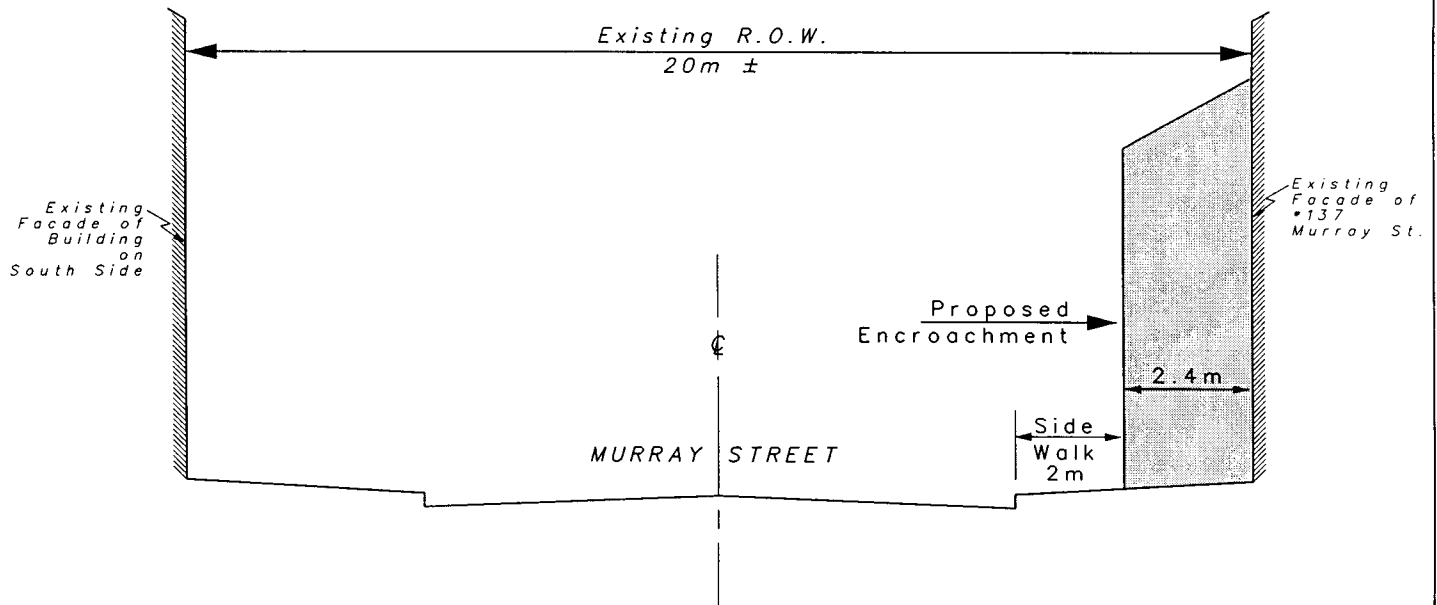
# ANNEX A



KEY PLAN

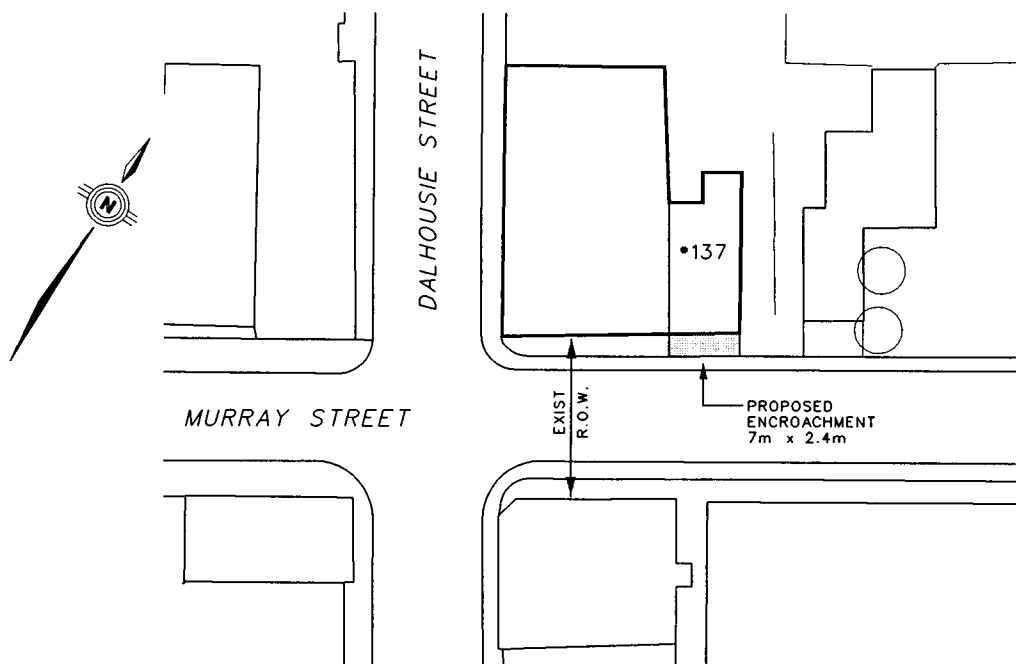
NTS

# ANNEX B



Cross Section of Murray Street  
at Proposed Encroachment

NTS



Plan View  
at  
Proposed Encroachment

NTS

## **ANNEX C**

### **CONTENTS**

- Letter of application from Mr. Claude Lauzon.
- RMOc reply.
- Second letter from Mr. Claude Lauzon.
- Comments from the City of Ottawa.

**CLAUDE LAUZON**  
**274 Dalhousie Street**  
**OTTAWA, On**  
**K1N 7E6**

**tel: 241-1600**  
**fax: 241-1601**

OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT	
TO: WWH	
RECD DEC 10 1998	
FILE NO: 23-48-R082	
REQ NO: 8821	
FILE: 1 COPIES	SENT TO:

Mr Wim Van Hofwegen  
Development Officer  
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON  
Cartier Square, 111 Lisgar Street  
OTTAWA, On  
K2P 2L7

Ottawa, 8th December 1998

Mr Van Hofwegen,

We hereby apply for a permanent encroachment at 137 Murray Street (east of Dalhousie). See attached Location Plan. The dimensions of the encroachment will be a maximum of 8' x 23'.

The structure will be of concrete, brick, wood and glass and will complement the existing building.

Attached herewith is our cheque no. 011612 in the amount of \$60.00 in payment of the processing fee.

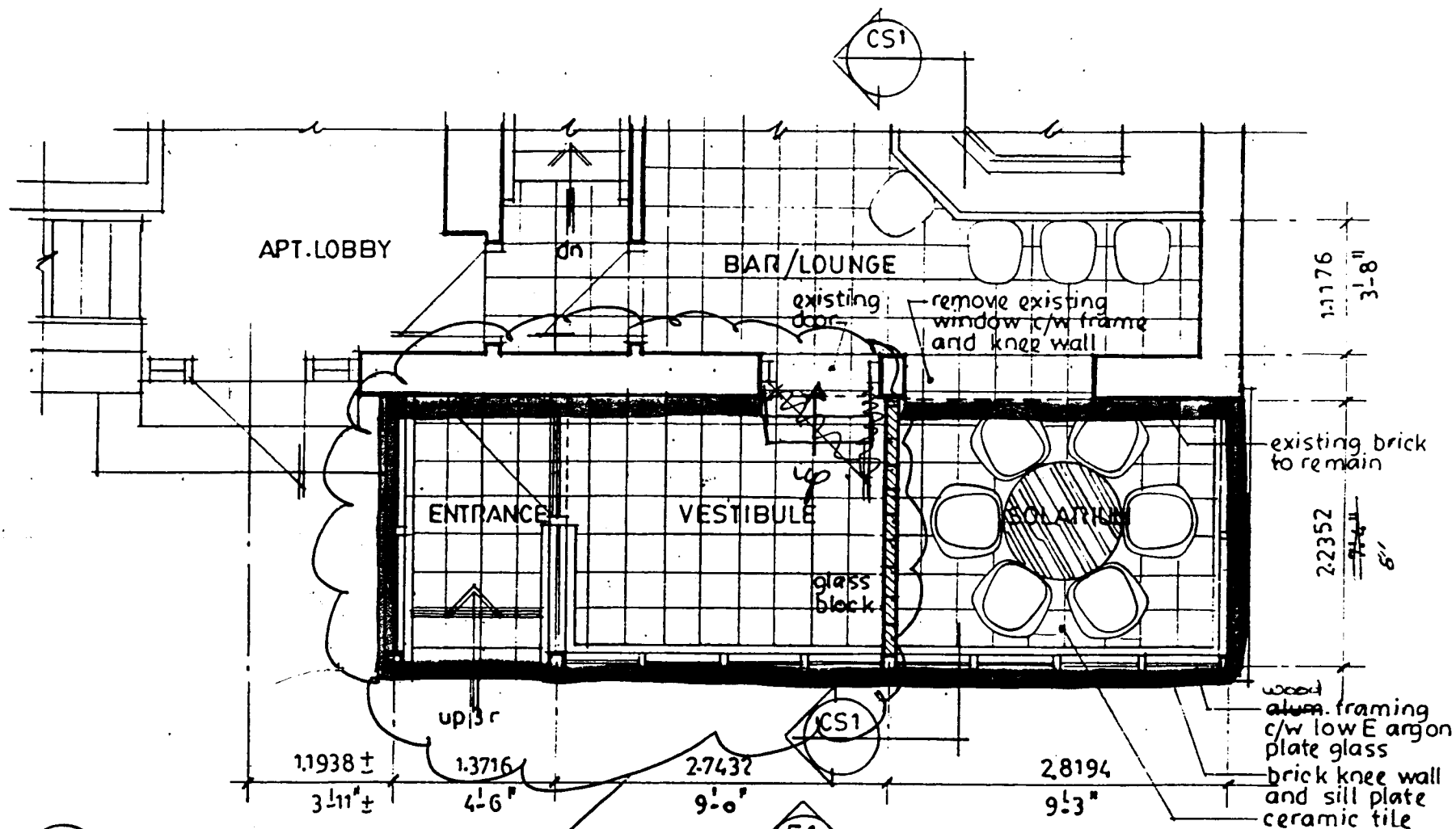
Hoping that everything is in order, and that we will hear from you in the near future, I remain,

Yours truly,

  
Claude Lauzon

CL/II

c.c. Madeleine Meilleur, Counsellor



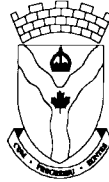
P1 PLAN OF ENTRANCE SOLARIUM  
1:50

→ vestibule  
shall be  
Barrier-free  
accessible



Region of Ottawa-Carleton  
Ottawa-Carleton Centre  
Cartier Square, 111 Lisgar Street  
Ottawa, Ontario K2P 2L7  
Environment and Transportation Department

Tel. (613) 560-2064  
Fax. (613) 560-6069



Région d'Ottawa-Carleton  
Centre Ottawa-Carleton  
Place Cartier, 111, rue Lisgar  
Ottawa (Ontario) K2P 2L7  
Service de l'environnement et des transports

Tél. (613) 560-2064  
Télécopieur (613) 560-6069

8 January 1999

File: 50 23-99-R082

Mr. Claude Lauzon  
274 Dalhousie Street  
Ottawa, ON K1N 7E6

Dear Mr. Lauzon

**Re: Encroachment of Proposed Addition to  
137 Murray Street.**

With reference to your letter of 8 December 1998, please be advised of the following.

This Department has investigated your request, and come to the conclusion that we cannot recommend that the public road allowance at the subject site be encumbered with the proposed new building addition for the following reasons.

1. Public road allowances are not only used for vehicular traffic. There are many other uses, among these are: pedestrian use, bicycle use and street-scaping (e.g. Somerset Street). The proposed encroachment would severely interrupt a street-scaping program on this section of Murray Street. Pedestrian use is number one in the hierarchy of uses of the public right-of-way in the central area. The proposed permanent encroachment could not provide a pedestrian-friendly environment.
2. It would eliminate the implementation of *a separation from vehicular traffic in the form of a boulevard of 2 metres* as recommended in the Regional Official Plan.
3. Exiting vehicles from the adjacent laneway of the subject site would have insufficient visibility, and become a danger to pedestrians.
4. Winter maintenance operations would also be adversely affected by the proposed encroachment.

Enclosed please find a receipt in the amount of \$60.00 for the non-refundable processing fee.

We trust that the above information will be of assistance.

Yours truly

Wim Van Hofwegen  
Development Officer  
Engineering Services Branch

WVH/

Attach. (1)

cc: Councillor Meilleur  
Brendan Reid, Planning and Development Approvals Division.  
Paul Ayers, Planning and Development Approvals Division.  
Craig Huff, Infrastructure Maintenance Division.

**CLAUDE LAUZON**  
**274 Dalhousie Street**  
**OTTAWA (ON)**  
**K1N 7E6**

**tel: 241-1600**  
**fax: 241-1601**

Mr Wim Van Hofwegen  
Development Officer  
Engineering Services Branch  
Region of Ottawa-Carleton  
Ottawa-Carleton Centre  
Cartier Square, 111 Lisgar Street  
OTTAWA (On)  
K2P 2L7

OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT	
D. W. H.	
REC'D JAN 7 1999	
FILE NO:	23-99-8082
REC. NO:	684
FILE:	COPIES SENT TO:

January 25th, 1999

Dear Mr Van Hofwegen:

Further to our meeting with Counsellor Meilleur on January 20th 1999 to discuss your letter dated January 8th, we are sending our written comments, as you requested, covering the different issues brought against our request for an encroachment at 137 Murray Street.

To begin with, it is mentioned in paragraph one *"Public road allowances are not only used for vehicular traffic. There are many other uses, among these are, pedestrian use, bicycles use and street-scaping"*.

a) pedestrian use: at the present, pedestrians do not use that space between the building and the sidewalk because of several factors:

- 1- existing steps at 135 and 137 Murray Street
- 2- street signs and hydro box
- 3- signal lights and lamp post
- 4- trap door in ground

b) bicycles use: there is no designated area for bicycles on Murray Street

c) street scaping: if you refer to the sketch of the proposed encroachment, it would greatly enhance the look and therefore participate in the street-scaping immensely. The design is intended to compliment the existing building and at the same time respect the heritage.

In the same paragraph, last sentence, *"The proposed permanent encroachment could not provide a pedestrian-friendly environment"*. At the present time that portion of Murray Street is not much used and is not very appealing to pedestrians. In fact pedestrian traffic on Murray Street east of Dalhousie is very low, close to

non-existing. We could even say that it is dead. With the proposed encroachment it would create customer traffic, therefore would attract people to circulate in that area and would also promote the pedestrians to use that portion of the street. With the municipal public parking across the street it would encourage people to park and then exit on foot on Murray Street; therefore create pedestrian traffic. It would be to the advantage of all concerned, merchants and residents if that portion of the street would be activated. The public would not be afraid to use, and as the saying goes "People attract people". Our construction, I believe would be a strong contribution in making this part of Murray Street "Pedestrian-Friendly".

In paragraph two, *"It would eliminate the implementation of a separation from vehicular traffic in the form of a boulevard of 2 metres"*. The idea of a boulevard is interesting but to construct a boulevard on this part of Murray Street would result in all kinds of problems; one of those problems being that east of Dalhousie, most of the properties come right to the side walk.

As for the exiting vehicles, paragraph three, *"Exiting vehicles from the adjacent laneway of the subject site would have insufficient visibility, and become a danger to pedestrians"*. Please note that there are two laneways next to the sight, the first one adjacent to 137 and the other to 143 Murray. We are the owners of the two properties. Those laneways lead to parking space that is used only by us, so we can direct exiting cars to the second entrance.

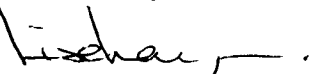
Also, I have counted at least three single laneways on Murray Street that are between two buildings that exit directly onto the sidewalk. This is very frequent in the Market area. Nevertheless, having the two adjacent laneways, we would solve that problem.

Finally, regarding *"winter maintenance operations"*; at the present time that portion is not being maintained during winter months for some obvious reasons (refer to annotation a.) and it would most certainly not be the only structure on Murray Street or in the entire Market area to be adjacent to the sidewalk. Take Dalhousie Street for example.

In conclusion, we strongly believe that by allowing the encroachment, it would be to the advantage of all parties involved. For the Region it would contribute in making that part of Murray Street **"Pedestrian-Friendly"** and it would create pedestrian traffic, which would encourage upscale and reputable merchants to establish on Murray Street, making it a very prosperous and respected street.

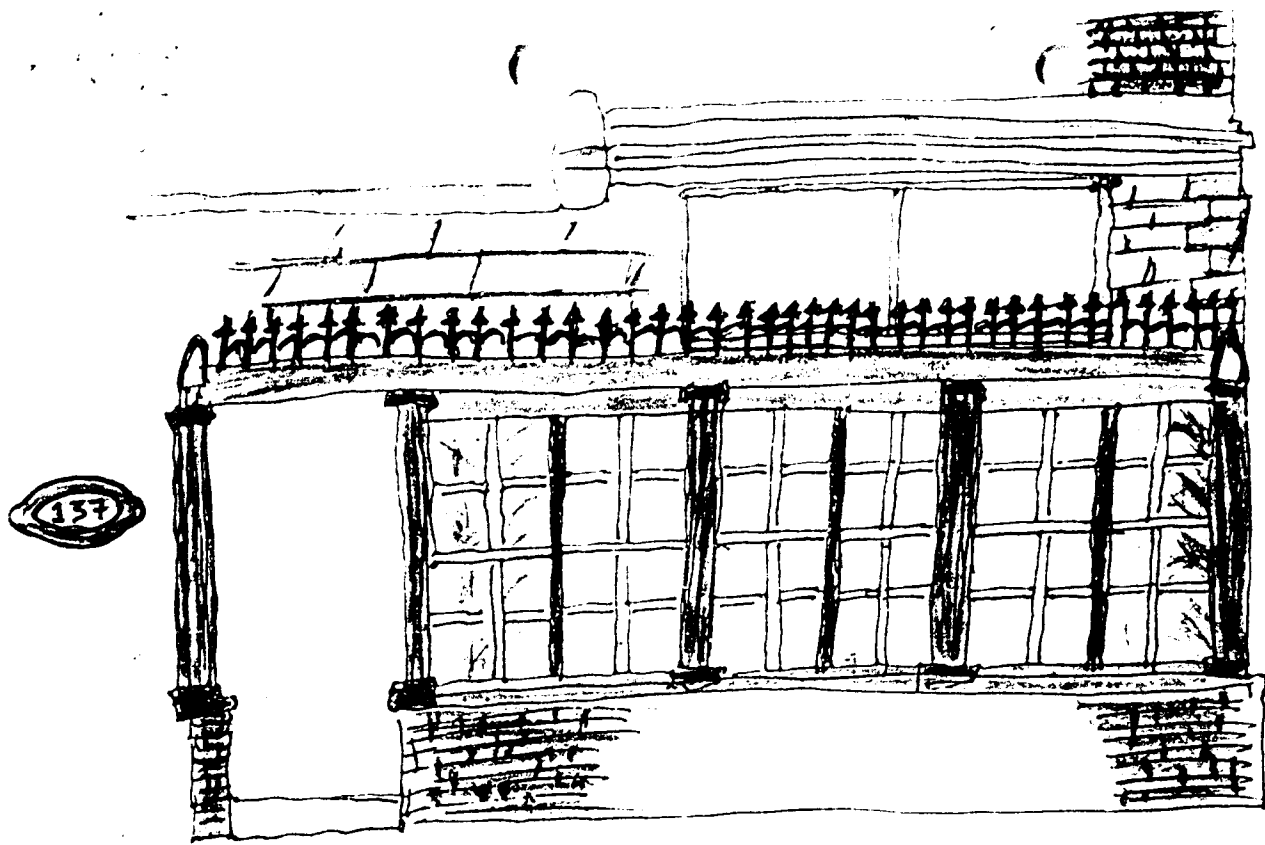
Hoping that the department will reconsider the recommendation for the allowance of our project, we remain,

Yours truly

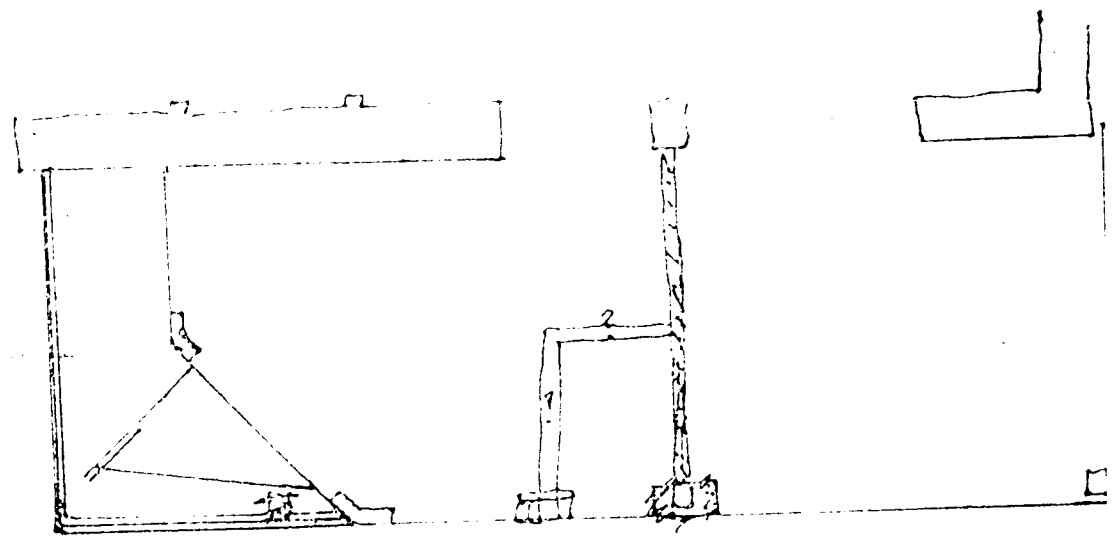


Lise Lauzon

c.c. Counsellor Heilleux



STREET  
FLOOR PLAN





March 2, 1999

EW-1025-27/M136

Region of Ottawa-Carleton  
Ottawa-Carleton Centre  
Cartier Square, 111 Lisgar Street  
Ottawa, Ontario  
K2P 2L7

Attention: Mr. Win Van Hofwegen  
Environment and Transportation Department

Dear Sir:

**Subject: Proposed Encroachment at 137 Murray Street**

This is in reference to your letter dated February 25, 1999.

I wish to advise you that while Murray Street is under the jurisdiction of the Region of Ottawa-Carleton, in response to your inquiry, please be advised of the following.

Should this Branch receive a similar proposal to construct a permanent structure within a City road allowance, staff would object to such a proposal as required in the Encroachment By-law 167-73, Section 6. This section of the by-law prohibits the construction of any permanent surface structure.

Should you require further information regarding this matter, please contact Mr. Ray Fournier of this Branch at 244-5300 + 1 + ext. 3811.

Yours truly,

L. Meloche  
Manager of Engineering Development Services  
Engineering Branch

RGF:jp  
Proposed Encroachment at 137 Murray Street.wpd

OTTAWA-CARLETON ENVIRONMENT & TRANSPORTATION DEPARTMENT	
T.V.	
REC'D MAR 04 1999	
FILE NO.: 23-79-ROB2	
REC. NO.: 1444	
FILE:	COPIES SENT TO:

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Web Site: <http://city.ottawa.on.ca>  
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