

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

Agenda 10
Ordre du jour 10

Tuesday, May 30, 2000 - 9:15 a.m.
Le mardi 30 mai 2000 - 9 h 15

Victoria Hall, First Level
Bytown Pavilion, City Hall

Salle Victoria, niveau 1
Pavillon Bytown, hôtel de ville



City of
Ville d' **Ottawa**

Confirmation of Minutes
Ratification des procès-verbaux

Minutes 9 (May 9, 2000)
 In-Camera Minutes 5 (May 9, 2000)
 Minutes 10 (May 17, 2000)

Procès-verbal 9 (Le 9 mai 2000)
 Procès-verbal 5 huis clos (Le 9 mai 2000)
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AML

January 31, 2000

ACS1999-PW-PLN-0040
(File: OZSS1997/002)

Department of Urban Planning and Public
Works

Ward/Quartier
OT10 - Alta Vista-Canterbury

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

Action/Exécution

1. Zoning - Commercial Properties on Kilborn Avenue Zonage - Propriétés commerciales sur l'avenue Kilborn

Recommendation

That an amendment to the *Zoning By-law, 1998*, as it applies to 1655 Kilborn Avenue, from CG[450] F(1.0)) to a CL F(1.0) exception zone, be APPROVED, as detailed in Document 2 and shown on Document 4.



February 1, 2000 (11:05a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



February 2, 2000 (9:48a)

Approved by
John S. Burke
Chief Administrative Officer

DJ:dj

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

Planning and Economic Development Committee Action - February 22, 2000

- ▶ *The Committee deferred this item to its meeting of March 28, 2000.*

Record of Proceedings is attached.

Planning and Economic Development Committee Action - March 28, 2000

- ▶ *The Committee deferred this item to its meeting of May 30, 2000.*

Record of Proceedings is attached.

Financial Comment

N/A.



February 1, 2000 (8:33a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

Context

Prior to the recent construction of a commercial plaza at 1655 Kilborn Avenue, a meeting was held in the community to discuss the associated Site Plan proposal. Although this meeting was held to talk about issues such as parking and vegetative planting, concerns over the types of uses that would be permitted in the proposed plaza, such as restaurants, were voiced. In view of these concerns, the Ward Councillor asked the Department to consider undertaking a study of not only the site at 1655 Kilborn Avenue, but also the four other commercial shopping plazas located along Kilborn Avenue. These four plazas were seen as having similar characteristics. The four commercial properties along Kilborn Avenue are 1783-1801 Kilborn Avenue, 1655 Kilborn Avenue, 1221-1227 Kilborn Avenue and 1220 Rooney's Lane (at the corner of Rooney's Lane and Kilborn Avenue) (see Document 3). This study was included on the Departmental 1999 work program and has been undertaken to determine if the uses allowed by the current zoning for these sites is appropriate.

This submission investigated the four affected properties along Kilborn Avenue with respect to the current zoning, the locational characteristics and history of each site and makes recommendations as to the zoning of these properties.

Rationale

1221-1227 Kilborn Avenue and 1220 Rooney's Lane

These two commercial plazas are located opposite each other at the corner of Kilborn Avenue and Rooney's Lane, which is located at the western end of Kilborn Avenue by Bank Street. Adjacent to the property at 1221-1227 Kilborn Avenue is a medical lab and a place of worship. Adjacent to the plaza at 1220 Rooney's Lane is an animal hospital and an office building with a parking structure. On the opposite side of Kilborn Avenue are the rear yards of homes, which are oriented to Utah Street to the east. These two plazas are along the

extreme western boundary of the Alta Vista residential community adjacent to the commercial uses found on Bank Street and are zoned CDF(2.0). This zoning allows a wide range of commercial uses, including offices, retail, a personal service business and all types of restaurants.

The proximity of these commercial properties to Bank Street, an arterial roadway, and their separation from the residential community to the east, help substantiate their current commercial zoning. Consequently, given the above-noted characteristics, the Department is recommending that the zoning of these properties be maintained.

1783-1801 Kilborn Avenue

This site is presently zoned CG[392] SCH 131, 132 and 133. This is a restrictive site-specific zoning that allows a limited number of commercial uses. Uses permitted are a bank, convenience store, medical facility, office, personal service business, post office, retail food store or retail store. The size of these commercial establishments are all restricted to maximum sizes. More specifically, Schedules 131, 132 and 133 all pertain to the size of one of the bays located in the plaza, presently occupied by a trust company.

This property is surrounded on four sides by low-density residential dwellings. The site specific zoning of this property was imposed and modified over time, as a result of negotiations between the City and the owner, compliance with policies in the City's Official Plan, neighbourhood compatibility, applications to the Committee of Adjustment and through orders by the Ontario Municipal Board (OMB). All of the zoning changes to the site resulted from concerns raised by the community and the property owner.

Given the extensive consideration that already has taken place on this property to ensure the ability of the plaza to fit within the community, the Department is not making any recommendations on changing the present zoning.

1655 Kilborn Avenue

This property is occupied by a relatively new development and is zoned CG[450]F(1.0), which is a general commercial zone allowing a wide range of commercial uses. Like the plaza at 1783-1801 Kilborn Avenue, it is located in the heart of the Alta Vista residential community. To the north, east and south of the property are low density residential dwellings, while to the west is Kilborn Park.

In 1996, the Department completed a rezoning of this property and the property immediately to the east. At that time, the subject property was occupied by a gasoline service station and a rezoning of this site was undertaken with a view to encouraging residential development on the property. The amendments to Zoning By-law Number Z-2K, approved by City Council, allowed single detached, duplex, semi-detached and row dwellings. In fact, should this

property be occupied by any of the residential uses mentioned above, commercial uses were not permitted. This previous zoning, however, did not examine restricting commercial uses should that be the only type of development on the property, but focussed solely on encouraging residential development of the property. This study expands on the previous rezoning and addresses the concerns of commercial uses on the property.

When determining the appropriate zoning for the site, one has to consider the present Official Plan designation and the relevant policies. Consequently, the appropriate zoning for this property has to comply with the intent of Sections 3.6.2.d) and e) relating to neighbourhood-serving uses in residential areas and non-residential uses in residential areas: the uses permitted on the site must be compatible with the surrounding residential neighbourhood. These policies in the Official Plan contain criteria by which to evaluate an appropriate zoning for this site. These include:

- Prohibiting uses with the potential to generate significant amounts of traffic and parking. These should be oriented towards major collector or arterial roadways.
- Permitted uses must complement adjacent residential uses, provide a needed service and are better located on lands designated Residential Area than in other areas as designated in the Official Plan.
- Such commercial locations must be isolated from or at the periphery of existing concentrations of residential development.
- Uses allowed by the zoning are compatible with existing residential uses.
- The uses allowed by the zoning, in proximity to other like uses, do not in the City's opinion represent a concentration which should more appropriately be developed under a designation other than Residential Area.

Consideration must also be given to the fact that there are other commercial plazas along Kilborn Avenue and that to the west is the Bank Street commercial district. These are all within easy driving or walking distance of the surrounding community and offer a range of commercial services to satisfy the needs of the community. Consequently, the Department believes it appropriate to limit the commercial uses allowed on this site.

Given the foregoing, a more restrictive commercial zone, with uses that are intended to serve the local community and reduce the amount of non-local traffic, is appropriate and desirable for this property.

The City's new Zoning By-law contains zoning categories that reflect the locational characteristics of the residential area. Therefore, it is the Department's position that a Local Commercial (CL) exception zoning is appropriate for the property. The CL zone is a local commercial zone that permits a limited number of commercial uses, however, those permitted

are all directed towards serving the local community. The exception proposed would allow an instructional facility, as this is the category of use of the Tae kwon do studio presently on site. The City is removing service station as a permitted use as this use is more appropriately located along a major collector or arterial roadway.

The Department is also recommending limiting the size of the commercial uses on site. This recommendation will help ensure that a permitted use does not grow to a size that would have a tendency to draw many customers from elsewhere in the city or region; thus increasing the amount of traffic into the area, to the detriment of the surrounding community. This approach has been utilized at the plaza located at 1783-1801 Kilborn Avenue. In that instance, the maximum size of the bays in that plaza have been limited to their existing size. It is the Department's intention to take a similar approach for this property.

The Department notes that the gross floor area of the largest bay on the property is approximately 277 square metres and that the remaining bays in the building are nearly the same size. In determining the appropriate size of commercial uses on the property, consideration must be given to certain factors. While there is the possibility of expansion of the commercial plaza on the site, unlike 1783-1801 Kilborn Avenue, this property is not surrounded on four sides by single detached dwellings: to the west is Kilborn Park. Furthermore, the largest existing bay is 277 square metres, which is typically the size of a small store. Considering the development potential of the site, the location of the property within the surrounding neighbourhood, the implications on the surrounding neighbourhood and the desire to create a commercial development that serves only the local population, the Department is recommending a maximum gross leasable area of 280 square metres for each commercial use.

Economic Impact Statement

There is no anticipated Economic Impact with this rezoning study.

Environmental Impact

As the site is already developed, there is no anticipated Environmental Impact.

Consultation

A meeting in the area was held by the Ward Councillor. Approximately 150 people attended. A copy of the staff report was circulated to the owners of the properties included in the study, as well as to the local Community Associations and interested parties.

Disposition

Department of Corporate Services, Statutory Services Branch to notify property owner (Jasaab Holdings Limited, 1655 Kilborn Avenue, Ottawa, K1H 6M7, Attention: Joe Saab), the Corporate Finance Branch, Revenue Section, Assessment Control Supervisor and the Regional Municipality of Ottawa-Carleton, Plans Administration Division of City Council's decision.

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

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

List of Supporting Documentation

Document 1	Explanatory Note
Document 2	Details of Recommended Zoning
Document 3	Location Map of Commercial Sites along Kilborn Avenue
Document 4	Location Map of Site Proposed to be Rezoned
Document 5	Compatibility With Public Participation

Part II - Supporting Documentation

Document 1

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -99

By-law Number -99 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law.

The Planning Branch has undertaken a minor zoning study of commercial properties along Kilborn Avenue. As a result of this study, the City is proposing changes to the zoning of the property located at 1655 Kilborn Avenue. The subject property is presently occupied by a commercial plaza.

Current Zoning Designation

Zoning By-law, 1998

The subject property is currently zoned CG[450]F(1.0). This is a general commercial zone that allows a wide range of residential and commercial uses. Some of these uses include apartment buildings, high-rise apartment buildings, townhouses, retail store, all types of restaurants, repair shop and public hall. The [450] represents an exception in the zoning by-law, which in this instance also allows an automobile service station on the property. The F(1.0) relates to the maximum allowable gross floor area of the buildings on the property. In this instance, the area of the building(s) on the property may equal one times the area of the lot.

Proposed Zoning Designation

Zoning By-law, 1998

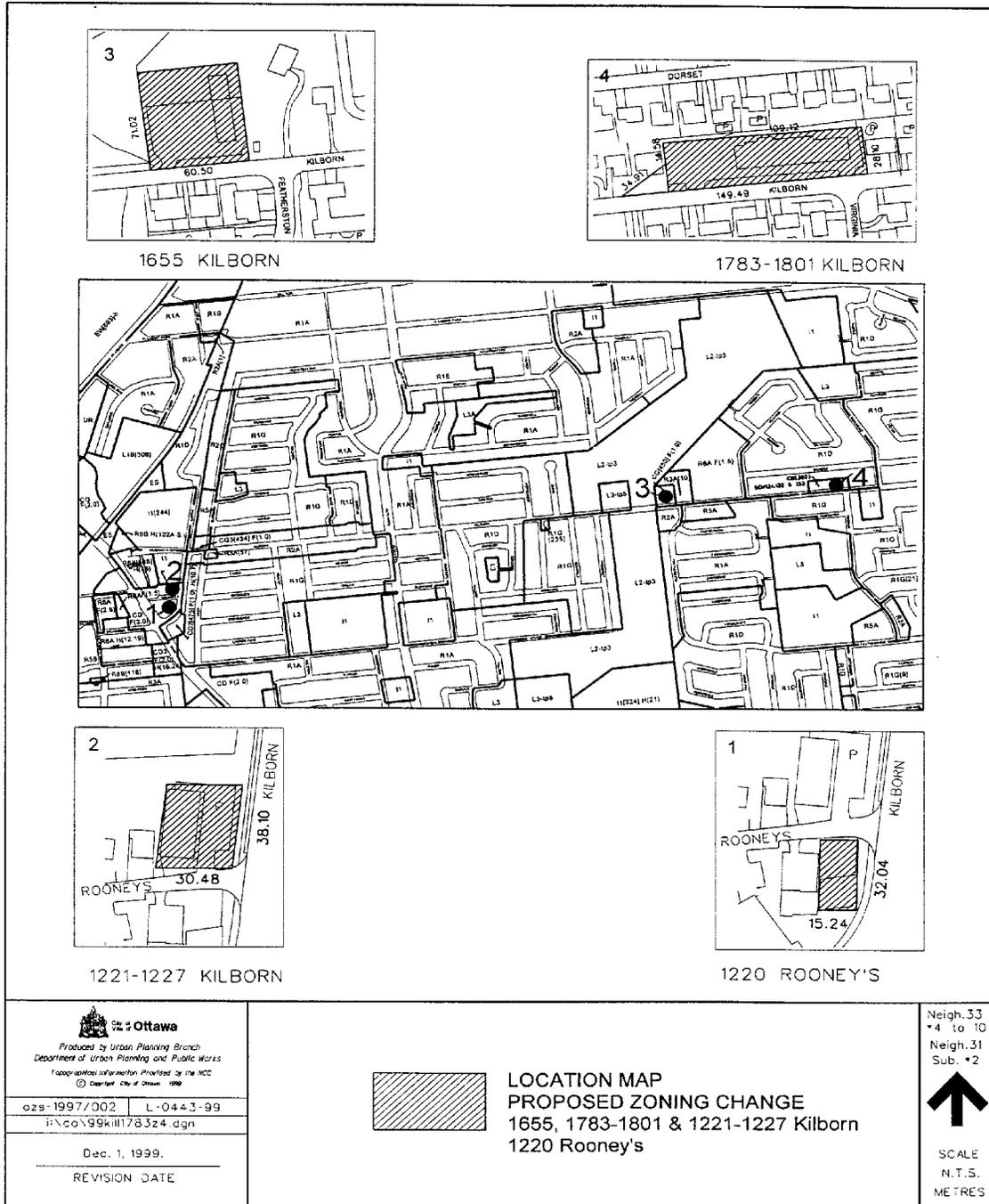
The subject property is proposed to be zoned as a CLF(1.0) exception zone. This is a local commercial zone that allows a large number of residential uses as well as a limited number of commercial uses. Uses permitted under the CL zone include apartment buildings, townhouses, detached houses, a convenience store, a personal service business, a retail food store and a retail store. The proposed exception on the subject property will allow an instructional facility, and a maximum gross leasable area for a commercial use on the property would be 280 square metres. The service station use that is currently permitted would no longer be a permitted use. The F(1.0) relates to the maximum allowable gross floor area of the buildings on the property. In this instance, the area of the building(s) on the property may equal one times the area of the lot.

DETAILS OF RECOMMENDED ZONING, THE ZONING BY-LAW, 1998

- Allow an Instructional Facility as an additional permitted use.
- Prohibit an automobile service station.
- For uses permitted in section 284, each separate occupancy must not exceed 280 square metres in gross leasable area.

Location Map of Commercial sites along Kilborn Avenue

Document 3





COMPATIBILITY WITH PUBLIC PARTICIPATION

Document 5

NOTIFICATION AND CONSULTATION PROCESS

A public meeting to discuss the proposed development of the property at 1655 Kilborn Avenue was held on September 19, 1996. This meeting was attended by over 150 people. This study resulted from the concerns expressed at that meeting. As the meeting took place in 1996, consultations between the Ward Councillor and concerned members of the public have indicated that this remains an important issue.

A copy of the staff report was circulated to the owners of the properties in the study, as well as to the local community groups and interested citizens.

APPLICATION PROCESS TIMELINE STATUS

This application, which was initiated at the request of the Ward Councillor, was not subject to a project management timeline or mandatory information exchange.

Councillor's Comments

Councillor Higdon is aware of this application.

Record of Proceedings

Planning and Economic Development Committee - February 22, 2000

Ref #: ACS1999-PW-PLN-0040

Zoning - Commercial Properties on Kilborn Avenue

Parties Who Appeared

Peter Vice

Vice & Hunter

344 Frank Street, Tel.: 232-5773.

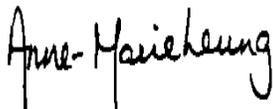
Mr. Vice advised that he is representing the owner of the lands at 1655 Kilborn Avenue. As stated by Mr. James, this study arose out of a 1996 public meeting on a site plan approval. Some three and a half years later, his client received in the mail last week a report from the City advising him that his property is going to be down-zoned. His client told him, contrary to what Mr. James had said earlier, he was not part of this process at all. The first he got was this report. The report he received was not even the full report, which is in front of the Committee today. The Councillor's office was good enough to provide his client with the full report. His client had this full report with him when he came to see him on Friday afternoon. There has been no discussion with him. The report was circulated and they have taken away approximately twenty of his commercial uses. There is a very heavy onus on the municipality when down-zoning properties. His client and himself are prepared to speak to the community about this, but if it is the will of the community and the Committee that indeed they are going to end up with twenty less commercial uses that they have now, the Committee might as well pass this zoning amendment now, and he will proceed right away to the Ontario Municipal Board. If he hears from the community that there is a will to negotiate some of the uses, then he is prepared to do so. But if they want twenty less of the commercial uses than what his client has right now, then this is not acceptable and it does not make sense.

Written Submissions by Parties

No written submissions were presented.

Finding of Fact and Recommendation by Committee

The Committee considered the oral submission presented and, on the basis of the report by the Department of Urban Planning and Public Works, the Committee **deferred** Submission dated January 31, 2000 to its meeting of March 28, 2000.



February 29, 2000 (4:05p)

Executive Assistant
Planning and Economic Development Committee
AML:aml

Record of Proceedings

Planning and Economic Development Committee - March 28, 2000

Ref #: ACS1999-PW-PLN-0040

Zoning - Commercial Properties on Kilborn Avenue

Parties Who Appeared

No one appeared. However, the following delegation was present and agreed with the deferral:

Peter Vice

Vice & Hunter

Reg Waterman

Kilborn Area Residents' Committee
1640 Kilborn Avenue, Ottawa K1H 8L8

Allen McNamara

President, Rosewood Estates Co-tenancy
16 Roseglen Private, Ottawa K1H 1B6

Written Submissions by Parties

The following written submissions were received:

- Zoning concerns of the Kilborn Area Residents' Committee, dated March 28, 2000
- Letter dated March 28, 2000, from Allen McNamara, President, Rosewood Estates Co-tenancy

Finding of Fact and Recommendation by Committee

The Committee noted that no one appeared with respect to this item. The Committee **deferred** Submission dated January 31, 2000 to the May 30, 2000 Planning and Economic Development Committee meeting.



April 7, 2000 (7:45a)

Executive Assistant
Planning and Economic Development Committee
LZF:

ZONING CONCERNS OF THE KILBORN AREA RESIDENTS'
COMMITTEE

March 28, 2000

I represent the Kilborn Area Residents' Committee. We are and have been concerned about the present zoning designation for 1655 Kilborn which is CG or Commercial General. Our Committee has been active since September, 1996, when we first realized that a site plan for this address proposed take out restaurants and other uses which would be detrimental to the quality of life in our community. The Community was galvanized and eventually 640 residents signed a petition which was presented to the Planning Department in the spring of 1997.

Specifically, we were concerned with environmental, health, sanitation, aesthetics, noise, odours, excessive garbage, litter, rodents and animals to the site. Increased traffic to our surrounding streets was a further concern.

We also knew that what was proposed under the CG designation did not fit into the Official Plan i.e. commercial locations must be isolated from residential development. We also knew that another commercial plaza only .5 km down the street had the same residential concerns as our people which was arrested when the OMB intervened and placed restrictions to that plaza's CG designation. Our residents who encompass the wide area surrounding 1655 Kilborn Avenue are very emphatic when they state their minimal requests are: NO FOOD STORES, RESTAURANTS OR FOOD SERVICES OF ANY KIND WILL BE OPERATED AT THIS SITE....NO BUSINESS OR LATE HOUR OPERATIONS INVOLVING INTENSIVE TRAFFIC MOVEMENTS OR SUCH AS COULD LEAD TO THE SITE BECOMING A HANG-OUT.

I know of no resident who agrees with the present CG designation for 1655 Kilborn. I know of no elected official, either Municipal or Regional who agrees with it. We have the support of the Alta Vista Community Association and the AVERT committee. When one considers there exists four commercial plazas in a two km. Stretch of Kilborn Avenue then one can understand our frustration. We wholeheartedly support Mr. Allen McNamara and his Rosewood Estates community in this issue. We also completely support the Department of Urban Planning and Public Works Recommendations to amend the Zoning By-law, 1998 as it applies to 1655 Kilborn Avenue, from CG[450] F(1.0) to a CL F(1.0) exception zone as detailed in their report tabled January 31, 2000.

We urge this committee to look closely at the issues here. We ask fairness to be given to our concerns. Your decisions will affect a very large community.

Reg Waterman, Chairman, Kilborn Area Residents' Committee

16 Roseglen Private
Ottawa, ON, K1H 1B6

28 March, 2000

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

Dear Sir/Madam,

RE: Proposed Zoning Amendment - Commercial Property at 1655 Kilborn Avenue

As President of the Rosewood Estates Co-tenancy Committee, representing the 15 home owners on Roseglen Private, adjacent to the 1655 Kilborn property, I wish to express our **emphatic approval of the proposed Amendments to the Zoning By-law 1998**, changing it from CG[450]F(1.0) **to a CL F(1.0) exception zone.**

The 15 houses of Rosewood Estates surround the plaza on two sides. The closest house is only 7 metres (20 feet) from the plaza building. All of our living environment will be strongly impacted by any new commercial development at 1655 Kilborn Avenue. During and since the 1996 presentations to this Committee we have strongly protested any form of restaurant or food preparation use at the site. Our concerns are with environmental impacts -- odours, excessive garbage, litter, attraction of rats, mice, raccoons, crows, and dogs. All of these cause health hazards, and degrade the community's aesthetic attractiveness. Moreover, the community does not want uses which encourage excessive traffic or late night noise.

The Amendment to the Zoning By-law 1998, to make 1655 Kilborn a CL F(1.0) exception zone satisfies the area residents' minimal criteria by excluding catering and full service, take-out, and fast food restaurants. These are issues of health, sanitation, and aesthetics. Moreover, the limitation to a maximum size of 280 square metres for any bay in the plaza will help to control the amount of traffic in the area and undesirable uses. (A similar restriction is in effect at the 1783-1801 Kilborn plaza).

One can point to the history of the Kilborn residents' problems with fast food outlets and other attempted commercial developments of the plaza at 1783-1801 Kilborn. The protests eventually culminated in an 1994 OMB ruling which limited the uses to a few specific ones, effectively banning restaurants and fast food outlets, and also set the maximum area for any occupant. The Proposed Zoning Amendment of 1655 Kilborn to CL F(1.0) essentially recognizes the problems common to both sites and provides controls.

We join the broader group of residents represented here by Mr. Reg Waterman in applauding the proposal of the Department of Urban Planning and Public Works to amend the Zoning By-law 1998 to make the site a CL F(1.0) exception zone. We ask that the Committee respond favourably to the Amendment proposal.

Yours sincerely,

(Signed by) Allen McNamara
President, Rosewood Estates Co-tenancy

April 17, 2000

ACS2000-PW-PLN-0026
(File: OZP1999/034)

Department of Urban Planning and Public
Works

Ward/Quartier
OT6 - Somerset

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

Action/Exécution

2. Zoning - 19 Empress Avenue

Zonage - 19, avenue Empress

Recommendations

1. That the application to amend the *Zoning By-law, 1998*, as it applies to 19 Empress Avenue, to permit a parking lot be REFUSED.
2. That an amendment to the *Zoning By-law, 1998*, as it applies to 19 Empress Avenue, from R5C Low-Rise Apartment Zone, to L3 Community Leisure Zone be APPROVED, as shown in Document 2.
3. That an amendment to the *Zoning By-law, 1998*, as it applies to 670 Albert Street, to delete Schedule 113 be APPROVED.



April 18, 2000 (8:41a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



April 19, 2000 (8:55a)

Approved by
John S. Burke
Chief Administrative Officer

REK:rek

Contact: Robert Konowal 244-5300, ext. 3869

Planning and Economic Development Committee Action - May 9, 2000

- ▶ *The Committee deferred its decision to its meeting of May 30, 2000.*

Record of Proceedings is attached.

Financial Comment

N/A/.



April 17, 2000 (2:08p)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations

Background

There have been two previous zoning amendment applications for the subject property. In 1990, an application was made to amend the zoning to permit a parking lot that provided required parking off-site for St. Vincent Hospital. A surface parking lot was proposed for the interim, while the long term plans were for a six-storey parking garage that would accommodate both existing and proposed facilities for St. Vincent Hospital. The use of the lands for a parking garage as proposed could not be supported by Planning Staff and in order that a planned expansion not be delayed, an amendment was prepared that limited the use of the lands to a surface parking lot. City Council subsequently approved a zoning amendment for a surface parking lot that only provided accessory parking for St. Vincent Hospital on a temporary basis for three years. Council approved a second zoning amendment application in 1994 that essentially extended the previous approval for an additional one year.

This application again seeks to permit the subject lands to be used for a parking lot. Whereas the previous approvals pertained to accessory parking for the Hospital, this application requests consideration of a parking lot for non-accessory purposes (i.e. public parking). According to the application, the owner of the subject lands is the Good Companions Seniors Centre, which also owns land which abut the north lot line of the subject property, and is known municipally as 670 Albert Street.

Recommendation 1

The request to permit a parking lot is recommended for REFUSAL, based on the following:

Official Plan Policy on Non-Residential Uses/Land Use Context

Lands to the west of the subject property are zoned and currently used for residential purposes. To the south and east is the wooded land escarpment known as Nanny Goat Hill. To the north of the subject property are lands zoned for leisure purposes which have been developed with a community centre known as the Good Companions Seniors Centre.

The subject lands are designated as “Residential” by Schedule A - Plan of Land Use in the City of Ottawa Official Plan and “Low Profile Residential” in the Dalhousie Neighbourhood Plan, the most recent Council approved detailed plan of land use for this area.

According to the Official Plan, City Council may consider limited non-residential uses in areas designated “Residential” provided that such uses are isolated from or are at the periphery of residential development and are located on a major collector or local roadway. The Official Plan further states that the use must be compatible with existing residential uses.

The subject property is located along a local road, within a residential neighbourhood and therefore does not conform to the Official Plan policy regarding the location of non-residential uses in residential areas. A public parking lot of this size and location is also not considered to be compatible with adjacent residential lands as it will visually detract from and generate traffic that is not in keeping with, the residential area.

According to the Dalhousie Neighbourhood Plan, non-residential uses that deplete the stock of housing are to be limited in low profile residential areas. Approval of the subject application will result in a reduction of residential development potential which runs counter to the land use objectives of this land use designation.

Central Area Transportation Strategy

It is anticipated that this parking lot will be used by employees located in the Central Area. Approval of a parking lot at this location will undermine the achievement of transportation modal split objectives which specifically seek to increase the use of public transit for work trips to the Central Area.

Recommendation 2

The recommendation to change the zoning for a portion of 19 Empress Avenue from R5C Low-Rise Apartment Zone, to L3 Community Leisure Zone is based on the following:

1. Need for Accessory Parking

The objective of the recommended zoning amendment is to permit a portion of 19 Empress Avenue to be used to provide accessory parking for the Good Companions Seniors Centre located to the north of the subject lands. While the *Zoning By-law, 1998* does not currently require that parking be provided for community centres, some parking is considered to be desirable pending a review of the parking provisions for this use.

A Consultant's report previously submitted on behalf of the Good Companions Seniors Centre and in support of a zoning amendment recommended that the Centre provide at least 40 parking spaces and "perhaps 50 spaces" if additional land could be obtained. It was the intent at that time to provide a minimum 40 parking spaces on-site to the east of the building in a parking structure. A zoning amendment pertaining to the property provided for a reduction in the minimum required parking from 80 spaces to 40 spaces. However, the parking structure has not been built, and only 21 spaces are currently being provided to the east of the building. The balance of the Centre's parking (33 spaces) is now being provided on 19 Empress Avenue. It is also noted that a previous zoning provision that permitted the use of a right-of-way on 19 Empress Avenue for access to the parking located to the east of the Centre has expired. This provision should be reinstated on a permanent basis if the zoning for 19 Empress Avenue is not amended to permit a community centre or a parking lot so as to maintain access to parking.

2. Preservation of Residential Development Potential

The remaining lands of 19 Empress Avenue that are zoned R5C will be of a size that complies with the lot area and width requirements of the Zoning By-law for development of a number of residential use types.

Recommendation 3

The recommendation to delete Schedule 115 of the Zoning By-law that pertains to 670 Albert Street is based on the following:

Schedule 115 of the *Zoning By-law, 1998*, was carried over from former Zoning By-law Number Z-2K. The schedule was originally implemented through a zoning amendment undertaken in 1991 to permit the eastward expansion of the Good Companions Seniors Centre. Elements of this schedule will be made redundant if the lot boundaries of 670 Albert Street change as proposed. The existing schedule may also unnecessarily limit any further expansion of the existing centre. Based on the foregoing, it is recommended that the schedule be deleted and that the standard provisions of the L3 zone now apply to the lands.

Consultation

Two letters were received from residents on Empress Avenue in response to Early Notification of which both were in opposition to the application. The Dalhousie Community Association and Centretown Citizens Ottawa Corporation oppose the application. Ward Councillor Elisabeth Arnold is opposing the application.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the Agent/Applicant (Vice & Hunter, 344 Frank Street, Ottawa, Ontario, K2P 0Y1, The Good Companions 670 Albert Street, Ottawa, Ontario K1R 6L2), and the Regional Municipality of Ottawa-Carleton, Development Approvals Division, of City Council's decision.

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

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

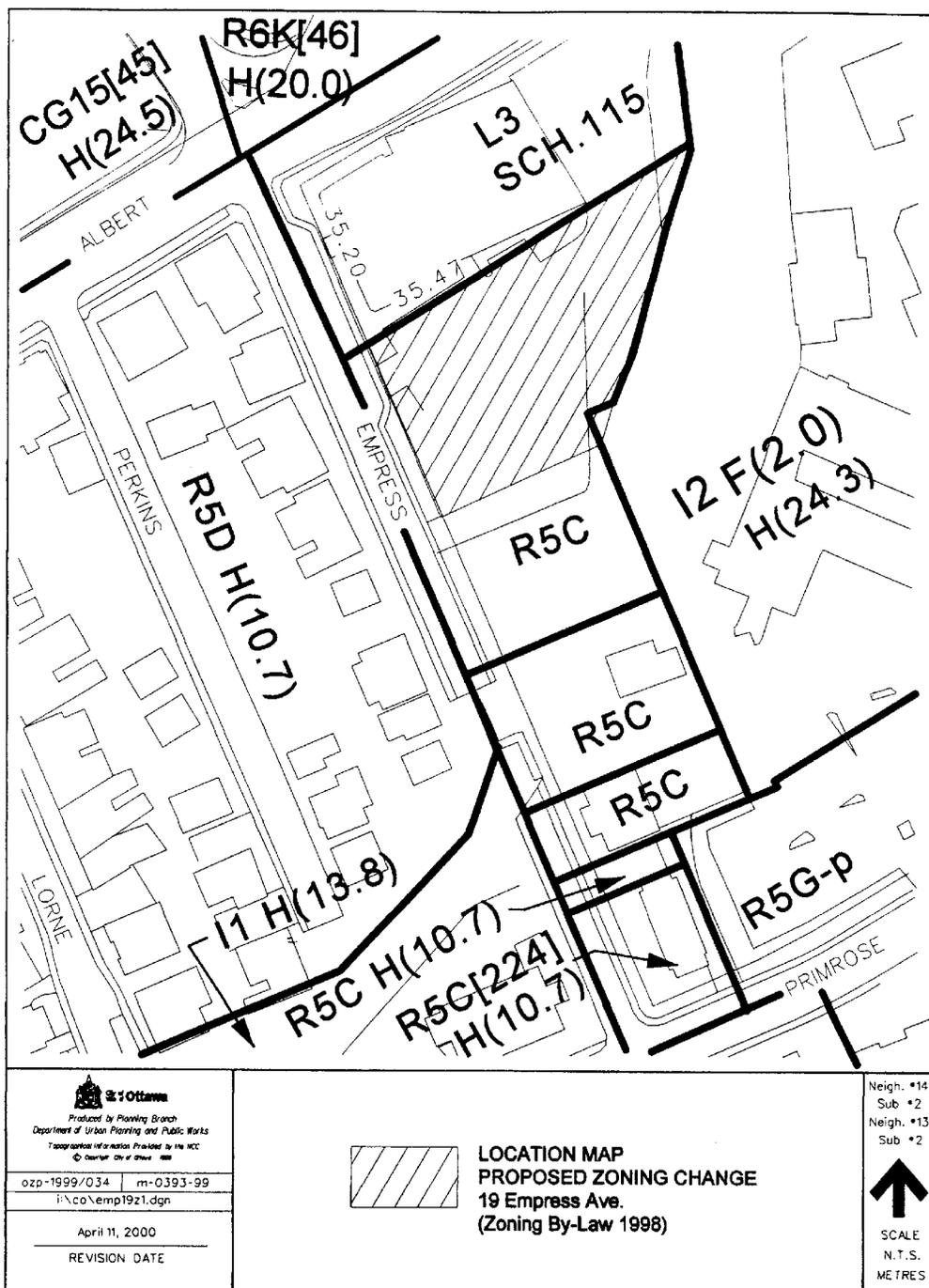
List of Supporting Documentation

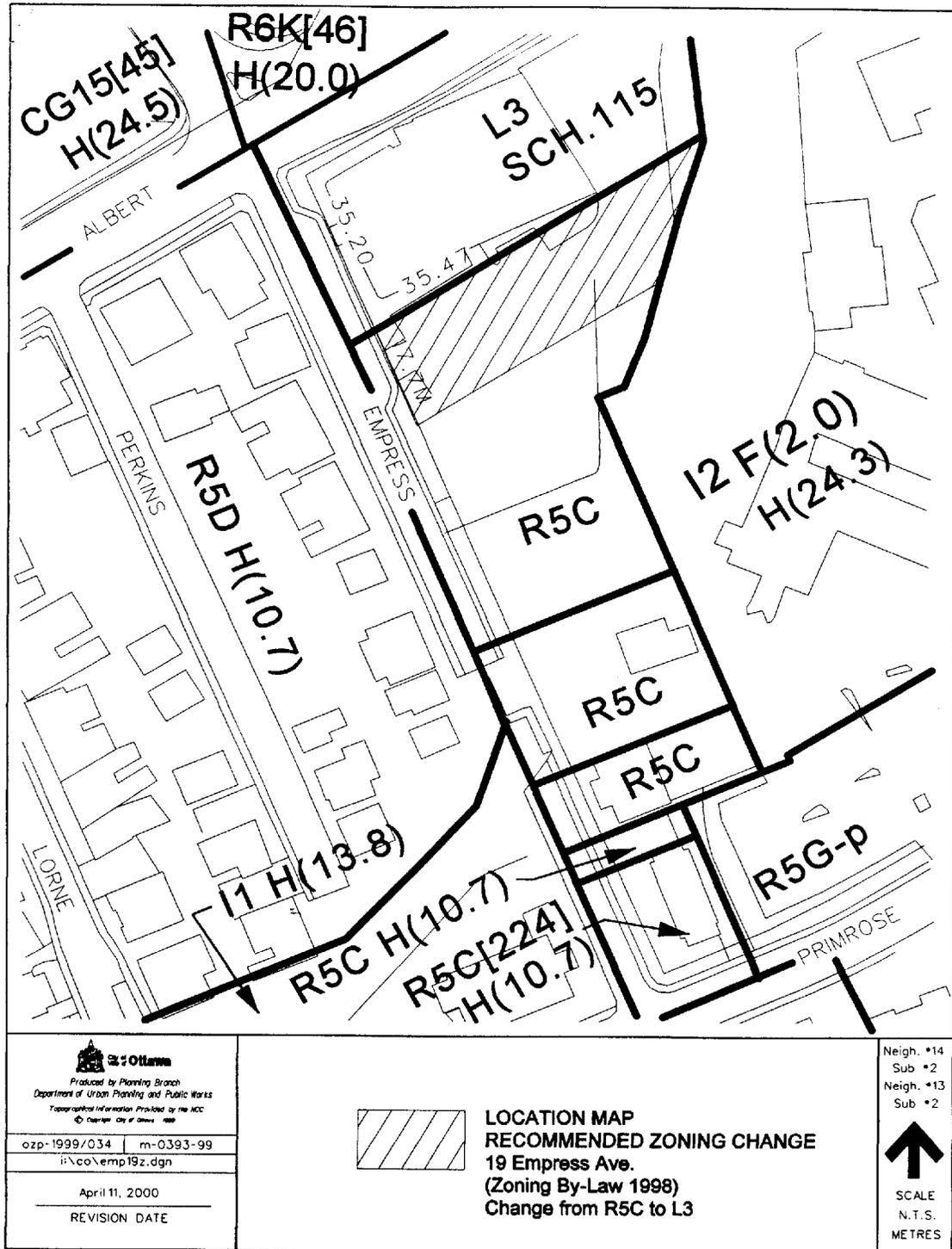
Document 1	Proposed Zoning
Document 2	Recommended Zoning
Document 3	Municipal Environmental Evaluation Report (on file with City Clerk)
Document 4	Consultation Details

Part II - Supporting Documentation

Proposed Zoning

Document 1





NOTIFICATION AND CONSULTATION PROCESS

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

Dalhousie Community Association

The Dalhousie Community Association indicated they oppose the application as it occurs at the expense of residential development. The increased traffic will present a traffic safety problem for those residents living on Empress Street.

Centretown Citizens Ottawa Corporation CCOC

The CCOC does not object to a temporary parking area for the Good Companions Centre but does not support parking for the general public as it would be used for commuter parking which contravenes the transit-oriented transportation policy of the Official Plan. The CCOC supports the residential zoning of this site.

SUMMARY OF PUBLIC INPUT

There were two letters in opposition to the application received in response to Early Notification. One respondent indicated that this neighbourhood already suffers from an overabundance of parking lots. Given the City's desire to increase housing in the Central Area and the redevelopment of Lebreton Flats for residential uses, residential is the most appropriate use of these lands. Another respondent indicated that the proposed parking lot would detract from the use and enjoyment of adjacent residential properties. The use of the property in the past for parking purposes has disrupted the residential neighbourhood.

Response

The recommendation of refusal supports the community position.

APPLICATION PROCESS TIMELINE STATUS

The application which was submitted on October 7, 1999, was subject to a project management timeline, as recommended by the "A Better Way Task Force", and a process chart which established critical milestones was prepared. A Mandatory Information Exchange was undertaken by staff with interested community associations since the proponent did not undertake Pre-consultation.

This application was not processed according to the maximum 135 calendar days timeframe established for the processing of zoning applications.

INPUT FROM OTHER DEPARTMENTS OR OTHER GOVERNMENT AGENCIES

COUNCILLOR'S COMMENTS

In a response dated December 17, 1999, Councillor Elisabeth Arnold provided the following comments regarding the subject application:

“I would support ancillary parking on this property that is related to the activities of the Good Companions Centre - however, I do not support a rezoning of the property in order to permit public parking on this lot. There appears to be a conflict statement in the Application; it states that the reason for the application is “to permit on-site parking to service the needs of the members, visitors and staff” and also “to add public parking as a permitted use”. Public parking is not a desirable use in this area. Its proximity to the Central Area means that it would probably be used for commuter parking, which is contrary to the Official Plan goals for reducing private car use to and from the Central Area - this is especially inappropriate in that it is adjacent to the Transitway. As well, this area will be transformed with the development of the Lebreton Flats, and it is important that it retain the potential for residential redevelopment. This would be unlikely if it were to be rezoned for public parking.

Pending the long term redevelopment of this area, it would be preferable to consider a temporary use in order to permit visitor parking. There is already on-site parking to the east of the Centre. Additional parking in excess of the by-law requirements for the Centre should not be created. There is a lengthy history of community opposition to public parking on this lot, associated with long-standing plans for a parking structure to serve the nearby chronic care hospital.”

Response

The Department’s recommendation responds to the concerns of the Ward Councillor. Temporary use provisions have not been recommended at this time as the applicant’s intent is to permit the use of the lands for a parking lot on a permanent basis.

Record of Proceedings

Planning and Economic Development Committee - May 9, 2000

Ref #: ACS2000-PW-PLN-0026

Zoning - 19 Empress Avenue

Parties Who Appeared

No one appeared.

Written Submissions by Parties

No written submissions were presented.

Finding of Fact and Recommendation by Committee

The Committee noted that no one appeared with respect to this item. On the advice of Staff, the Committee **deferred** the Submission dated April 17, 2000 to its meeting of May 30, 2000.



May 17, 2000 (10:16a)

Executive Assistant
Planning and Economic Development Committee
AML:aml

May 15, 2000

ACS2000-PW-PLN-0002
(File: OZP1999-030)

Department of Urban Planning and Public
Works

Ward/Quartier
OT1 - Britannia-Richmond

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

Action/Exécution

3. Zoning - 261 Compton Avenue Zonage - 261, avenue Compton

Recommendation

That the application to amend Zoning By-law, 1998, as it applies to 261 Compton Avenue, as shown on Document 5 from R2A to an R2A exception, to permit a triplex dwelling, be APPROVED, as detailed on Document 3.



May 16, 2000 (9:44a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

PML:pml

Contact: Patrick Legault, 244-5300, Ext. 3857



May 16, 2000 (1:35p)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

N/A.



May 16, 2000 (8:47a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

The subject property is located on the east side of Compton Avenue between Flower and Anthony Avenues. The property previously contained a duplex dwelling which has been converted to a triplex house.

The subject property is designated Residential Area in the City's Official Plan. This designation includes the full range of dwelling types from single detached to apartment dwellings. In assessing the appropriateness of minor residential development, the following factors shall be considered: the massing, height, physical orientation, amenity area, shadowing and setback of the subject building and parking. These elements will remain unchanged, as the third unit has been added to the basement area, and as a result there is no physical exterior construction. That the lot size can accommodate the proposal. The standard R2A subzone for a duplex house approximates the lot area of the subject property, with a minor reduction of four square metres. The proposed parking, which will be identified in a zoning schedule, will be provided in a manner consistent with existing parking on the street.

The main issue respecting the rezoning of the subject property relates to parking and the location of parking on the site and an associated site plan control application. Other related issues, specifically the building permit and the third unit meeting building code requirements are being dealt with separately by the applicant. Three parking spaces are required for the triplex dwelling, which are proposed to be provided within the existing driveway. These will be arranged in a tandem format as identified by a Schedule in Document 4. This arrangement will specifically identify the location of the required parking, and in combination with a physical barrier of landscaped planters, will prevent angled parking from occurring within a walkway constructed of pavers adjacent to the driveway.

Compton Avenue, while primarily a street with single family homes, does contain a number of multiple dwellings, including duplex, semi-detached and 3-unit converted dwellings. Further, there are a number of properties with double driveways, which have cars parked in tandem. The proposed triplex, the maintenance of its built form, and the proposed parking arrangement would not be out of character with the existing homes on the street. Given the circumstances, it is not anticipated that this application will set a precedent for future zoning applications on the street.

Environmental Impact

A Municipal Environmental Evaluation Checklist indicated that there would be no adverse impacts associated with the subject development.

Consultation

There were two respondents to the public circulation outlining concerns with the subject application, in addition to extensive consultation and on-site meetings, with the applicant, the ward Councillor and Woodpark Community Association representatives.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the owner (David Craig, 261 Compton Avenue, K2B 5A8), the Corporate Services Branch, Revenue Section, Assessment Control Supervisor and the Region of Ottawa-Carleton, Plans Administration Division, of City Council's decision.

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

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

List of Supporting Documentation

Document 1	Background
Document 2	Explanatory Note
Document 3	Details of Recommended Zoning
Document 4	Schedule A
Document 5	Location Map
Document 6	Municipal Environmental Evaluation Process Checklist (on file with City Clerk)
Document 7	Compatibility with Public Participation Policy/Input From Other Departments or Other Government Agencies

Part II - Supporting Documentation

Background

Document 1

The applicant entered into an agreement of purchase and sale for the subject property February 10, 1998, which was conditional until February 20, 1998. The applicant states that he met with City staff subsequent to February 10, 1998, who indicated that the subject property was zoned R4-x(9), pursuant to Comprehensive Zoning By-law Z-2K. This zone permitted a converted dwelling which would allow a residential dwelling in the basement in the existing duplex. The applicant has indicated he was not advised of any proposal to rezone the property which would prohibit a third unit in the existing duplex dwelling. The sale of the property closed March 31, 1998.

The applicant subsequently began work on the conversion of the basement to a third apartment unit without the benefit of a building permit over the next year and a half, with the understanding that the third unit was permitted under the zoning by-law.

In May 1998 the City enacted By-law 93-98 (also known as the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law) which zoned the subject lands R2A and no longer permitted a converted dwelling and a unit in the basement. Notice of the passing of By-law 93-98 was advertised in the local newspapers, in accordance with the requirements set out in the Planning Act. The applicant has indicated that he did not see the ad, and even if he had would have had no way of knowing the zoning of his property no longer permitted a third unit. The third residential unit is now completed and occupied.

It should be noted that, had the applicant applied for a building permit, the issue of zoning would likely have come to light. Given the applicant had already purchased the property, an application to permit the third unit would likely have been filed and been considered. The applicant has met with the ward Councillor, the Woodpark Community Association and neighbours, and the main issues relate to ensuring that the third unit meets all Building Code requirements, that a site plan control application be submitted with respect to the creation of the triplex, and that only one additional unit will be permitted as part of the subject application, with three parking spaces provided in the existing driveway, with angled parking not permitted (meaning only tandem parking shall be allowed) as per Schedule A in Document 4. The Building Code issues have been dealt with to the satisfaction of the Transportation, Parking and Buildings Branch, a site plan application has been submitted which will identify three tandem parking spaces, and the subject zoning will add triplex as a permitted use on the subject property.

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW -2000

By-law number -2000 amends Zoning By-law, 1998, the City's Comprehensive Zoning By-law

This amendment affects the zoning of the property located on the east side of Compton Avenue, north of Flower Avenue and known municipally as 261 Compton Avenue. The property previously contained a duplex dwelling which has been converted to a triplex. The attached location map shows the location of the subject property.

Existing Zoning

The existing zoning is R2A. This is a semi-detached house zone permitting low density dwellings, restricted to detached houses, semi-detached houses, linked-detached houses, and duplex houses.

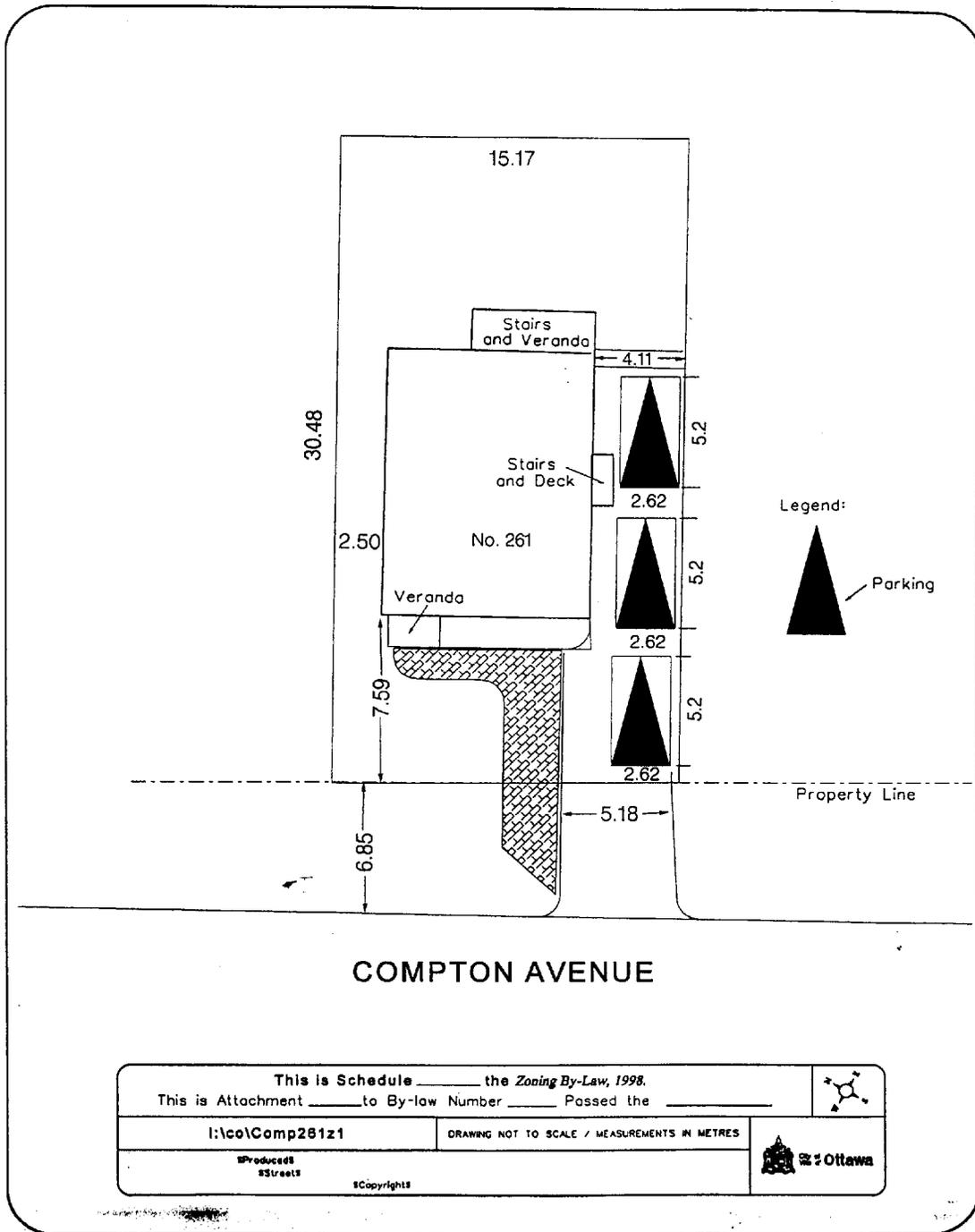
Proposed Zoning

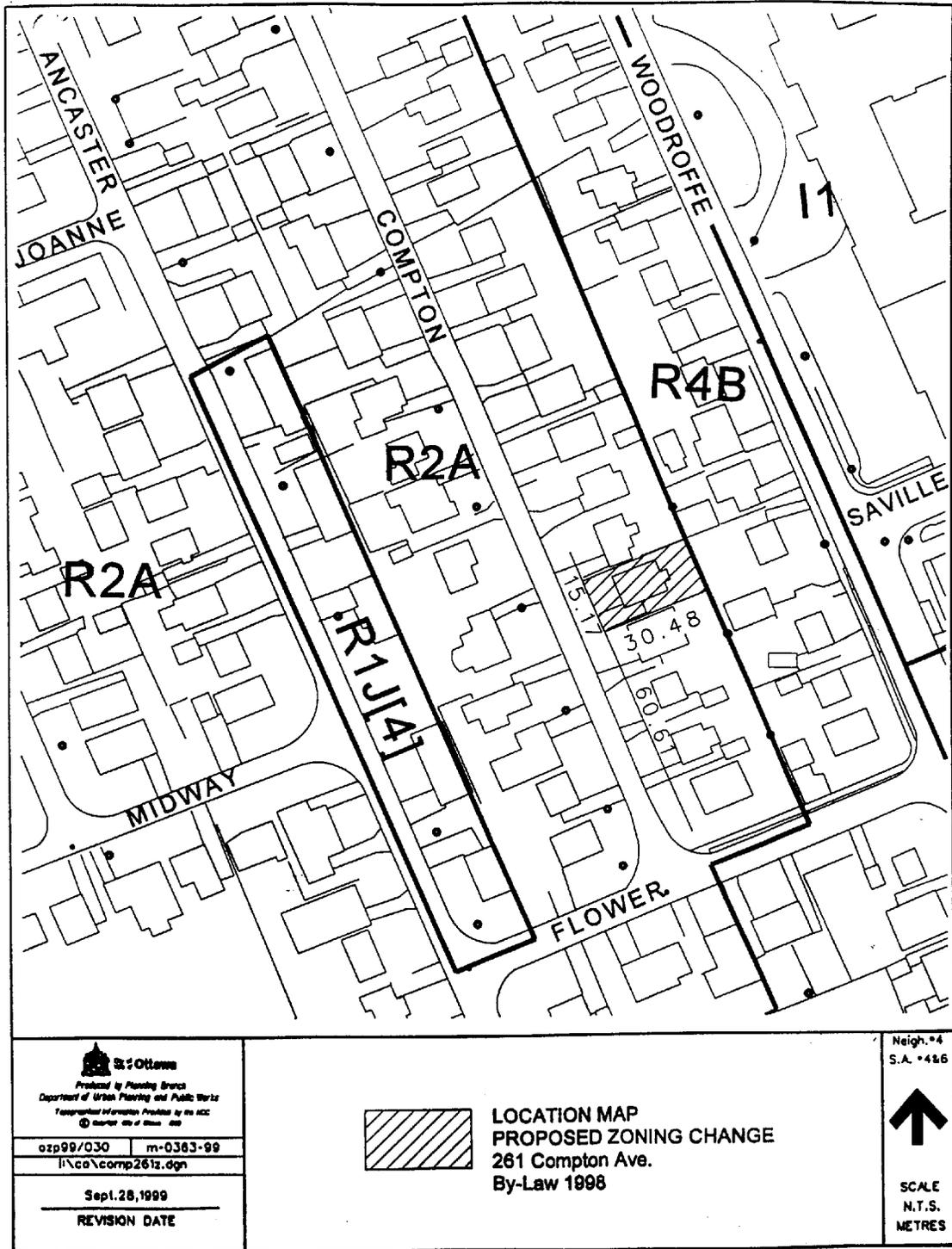
The proposed zoning would be an R2A exception zone. The proposed R2A exception zone would permit a triplex house, and would maintain all of the provisions of the standard R2A subzone, except the minimum lot area for a triplex house would be 460 square metres, and the minimum lot width would be 15 metres. A schedule has been created to identify the location of the three required parking spaces on-site.

DETAILS OF RECOMMENDED ZONING

Document 3

1. Maintain all provisions of standard R2A subzone except add, triplex house as a permitted use, with minimum lot area of 460 square metres and minimum lot width of 15 metres;
2. Parking to be in accordance with Schedule A, attached as Document 4.





NOTIFICATION AND CONSULTATION PROCESS

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

SUMMARY OF PUBLIC INPUT

There were two responses to the public notification, which outlined the following concerns:

1. Concern with respect to the required parking for additional unit, and potential of expanding or widening driveway for 3 rental units, particularly if some units have more than 1 vehicle. This will give front of property appearance of a commercial parking lot and detract from the residential nature of the street.
2. Granting of the request would serve as a unacceptable precedent in the neighbourhood, and encourage other duplex owners to do likewise.
3. More problematic is that basement apartment not built according to existing building code, and the owner did not apply for a building permit.
4. Specify that the application will add only one additional use, a triplex house with three parking spaces to be provided in the existing driveway, with angled parking not permitted (this means only tandem parking shall be allowed).
5. That the applicant meet all building code and structural requirements and meet any deficiencies.
6. That the applicant file a site plan application.

Response to Comments

1. Three parking spaces are required under the zoning by-law. The applicant will be using the existing driveway to park vehicles for the three required spaces in tandem within the side yard next to the house. Physical barriers will be placed along side the paving stone walkway to create a separation from the driveway.
2. All rezoning applications are reviewed, and recommendations are brought forward based on the individual merits of the request. Based on the circumstances surrounding the subject application and the exception zone being created specifically for the subject property, the recommendation is not viewed as precedent-setting.
3. Building inspectors have inspected the subject unit and have advised of the necessary measures to meet code requirements, which the applicant has agreed to undertake.
4. The subject zoning approval is to permit the addition of a triplex only, within the proposed R2A exception zone, with the three required parking spaces located within the existing driveway.
5. Please see #3 above.
6. A site plan control application has been filed with the City, which will identify among other things, the location of the driveway and parking, physical separation of the walkway and landscaping.

APPLICATION PROCESS TIMELINE STATUS

The application which was submitted on September 20, 1999, was subject to a project management timeline, as recommended by the “A Better Way Task Force”. Process charts which established critical milestones, were prepared and circulated as part of the technical circulation and early notification process. The applications were not processed within the established timeframe as a result of extensive negotiations with the community association and the submission of a site plan application.

COUNCILLOR’S COMMENTS

Councillor Ron Kolbus is aware of this application and is in support, subject to the conditions outlined in the report.

May 5, 2000

ACS2000-PW-PLN-0053
(File: OZP1999/042)

Department of Urban Planning and Public
Works

Ward/Quartier
OT3 - Southgate

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

Action/Exécution

4. Zoning - 2425 and 2431 Bank Street

Zonage - 2425 et 2431, rue Bank

Recommendation

That an amendment to *Zoning By-law, 1998*, from R3F and CG12 [448] F(1.0) SCH.55 to CG12 [448] F(1.0) SCH.55, as it applies to the lands shown shaded on Document 2, be **APPROVED**, as detailed in Documents 3 and 4.



May 5, 2000 (2:53p)

Edward Robinson
Commissioner of Urban Planning and Public
Works



May 8, 2000 (8:42a)

Approved by
John S. Burke
Chief Administrative Officer

DC:dc

Contact: Denis Charron - 244-5300 ext. 1-3422

Financial Comment

N/A.



May 5, 2000 (2:33p)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

The vacant residential zoned lands at 2425 Bank Street have been recently assembled to form part of the Southway Inn Hotel lands at 2431 Bank Street. The new lands are situated at the rear of the existing hotel, but also front onto Southgate Road.

To allow the expansion of the hotel's parking area, the applicant is requesting that the lands currently zoned R3F, be rezoned to match the commercial zone designation of the existing hotel lands. A Site Plan Control application will be required for the expansion of the parking area which would be asphalted and screened on the perimeter with a fence and a six-metre-wide landscaped buffer along the existing residential lands located immediately to the north and east. It is important to note that standard and specific conditions will be included in the Site Plan report which will require the developer to enter into a Site Plan Control Agreement to ensure site grading, drainage and landscaping be completed according to approved plans. Final consideration of a Site Plan Control application would be pending the approval of the proposed zoning amendment.

Official Plan

The Regional Official Plan designates the subject lands as "General Urban Area". The Region has confirmed that the policies associated with the General Urban Area designation permit the proposed use.

The City of Ottawa Official Plan designates the subject lands as "Residential Area". This designation permits a variety of residential uses and limited non-residential uses. The proposal conforms with its applicable objectives and policies as it pertains to permitting limited non-residential uses in a "Residential Area" designation. In terms of compatibility with existing residential uses, the subject lands are located at the periphery of existing concentrations of residential developments.

With respect to Policy 3.6.2e)ii) which indicates that non-residential uses be located on a major collector or arterial roadway, it is important to note that although the lands known municipally as 2425 Bank Street front on a local road, the assembled lands now form part of the Southway Inn Hotel lands which front on arterial roadways (Hunt Club Road and Bank Street). Vehicular access from Southgate Road is not being proposed nor would it be permitted by the City.

Mitigation Measures (Zoning Amendment Process)

Future expansion of the hotel or parking lot onto the subject portion of lands being rezoned may have some impact on the abutting residential lands if mitigation measures are not taken. When establishing a parking lot, the requirements of *Zoning By-law, 1998* are such that a minimum separation distance of 3.0 metres of landscaped area must be provided between a parking lot and a residential zone boundary. Despite this requirement, the property owner does have the option of reducing the width of the landscaped area to 0.6 metres if an opaque screen (ie. wood fence, cedar hedge, etc.) 1.4 metres high runs parallel to or is concentric to the lot line or public street.

Notwithstanding the above-noted requirements, in order to be consistent with the previous rezoning of the hotel lands in minimizing any future development impact, Schedule 55 of *Zoning By-law, 1998* is recommended to be revised to include the continuance of a minimum landscaped buffer area of 6.0 metres (see Area A of Document 3) for the lands abutting the residential zones which includes Southgate Road. It is also recommended to limit Area F to an at-grade accessory parking area which includes the most southerly 6.0 metre portion of Area F, replacing a previous landscaped buffer area now pushed further north along Southgate Road.

The wording in exception [448] is to be revised to include a provision that Area F of Schedule 55 be restricted to an at-grade accessory parking area for the hotel's use (see Document 3).

Economic Impact Statement

There will be no economic impact associated with this proposal.

Consultation

Two responses were received as a result of the posting of an on-site information sign and notification sent to concerned community groups and area residents. Further to a public meeting held on January 11, 2000, in which the assigned planner, the architect and the owners discussed the proposal with the public, the South Keys/Greenboro Community Association and another member of the public have indicated that they do not support the proposal and that the lands should be kept zoned for residential purposes only.

Disposition

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

Department of Corporate Services

1. Statutory Services Branch to notify the Region of Ottawa-Carleton, Development Approvals Division, Department of Planning and Development Approvals, the applicant [Zlepzig Holdings Limited, 2431 Bank Street, K1V 8R9, Attention: William Zlepzig] of City Council's decision.

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

List of Supporting Documentation

- | | |
|------------|---|
| Document 1 | Explanatory Note |
| Document 2 | Location Map |
| Document 3 | Schedule 55 - Proposed Revisions |
| Document 4 | Details of Recommendation |
| Document 5 | Municipal Environmental Evaluation Process (MEEP) Checklist - (on file with City Clerk) |
| Document 6 | Consultation Details |

Part II - Supporting Documentation

Document 1

EXPLANATORY NOTE TO BY-LAW NUMBER ____-2000

By-law Number _____ amends *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. The amendment affects the zoning of the lands identified as 2425 and 2431 Bank Street, as shown shaded on the attached Location Map. This amendment is intended to permit additional parking associated with the existing Southway Inn Hotel.

Current Zoning

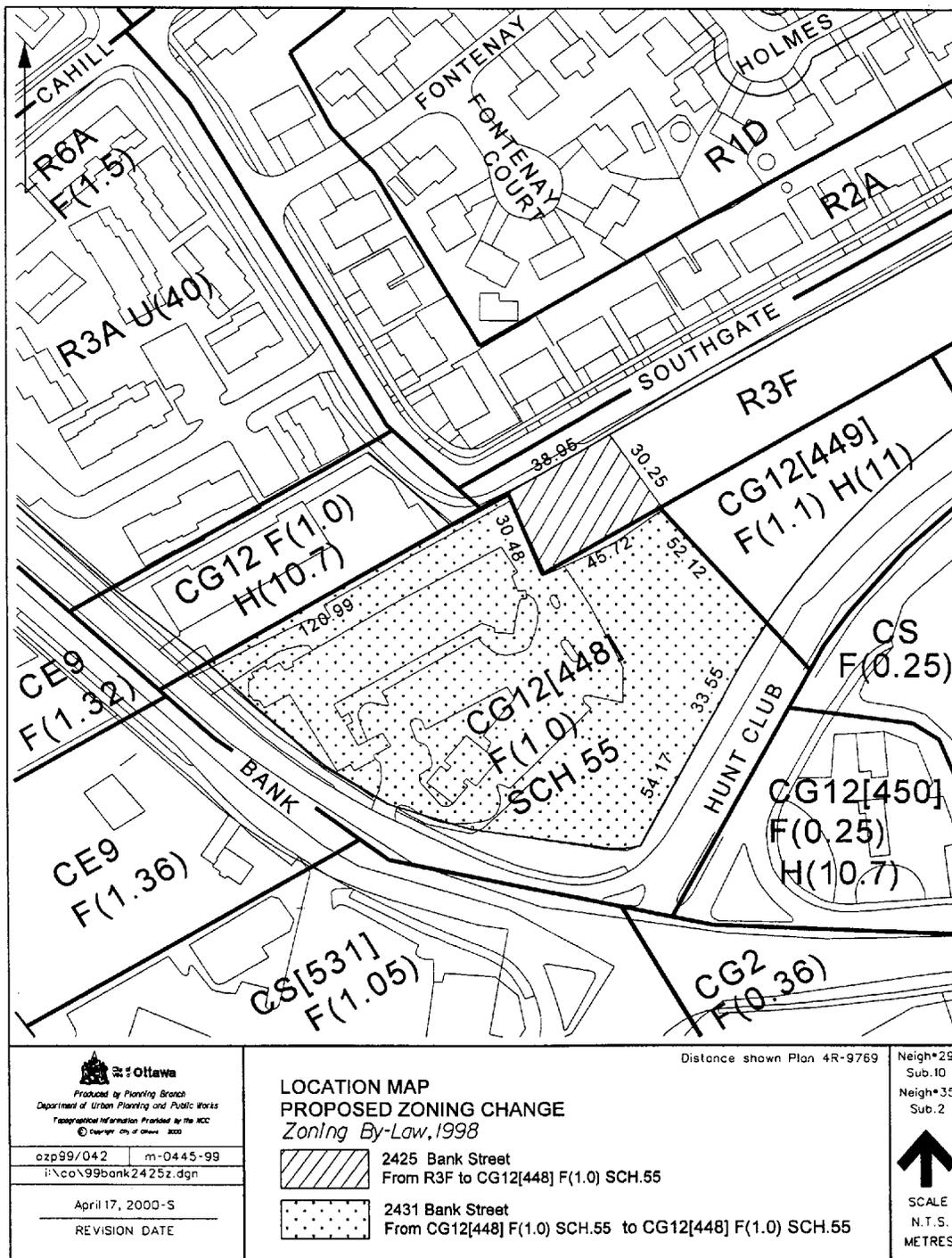
The current zoning of the lands known municipally as 2425 Bank Street and shown shaded on the attached Location Map, is R3F. The standard R3 zone is a *Converted House/Townhouse Zone* which permits a wide range of low density residential uses, such as a converted house, detached house, duplex house, linked-townhouse, semi-detached house and a townhouse. These uses are also subject to minimum lot area and lot width requirements, as well as, building height, floor space index, landscaped area and yard provisions. The R3F subzone permits all uses in the standard R3 zone but prohibits a converted house and a triplex house, limited to a converted three-unit house.

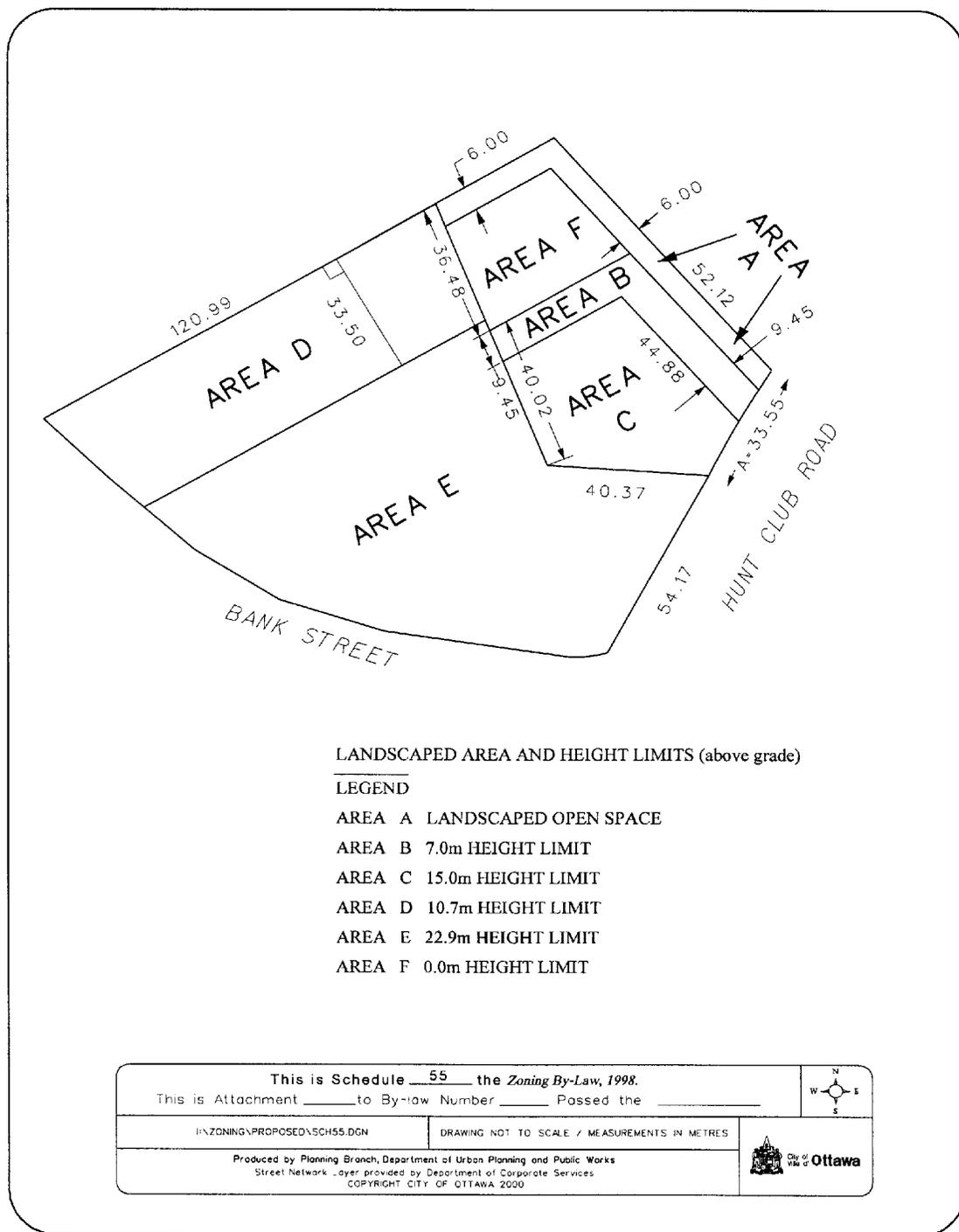
The current zoning of the Southway Inn hotel lands known municipally as 2425 Bank Street is CG12[448] F(1.0) SCH.55. A CG zone is a *General Commercial Zone* which permits a wide range of residential and commercial uses. Exception [448] describes the two following provisions: permitted use of Areas B and C on Schedule 55 limited to hotel use, and, landscape area required in Area A as per Schedule 55. Schedule 55 specifies areas to be landscaped and permitted height limits.

Proposed Zoning

The proposed zoning amends *Zoning By-law, 1998*, by rezoning the R3F zoned lands to a CG12[448] F(1.0) SCH.55 zoning. Schedule 55 is amended by adding Area F (at-grade parking) and revising Area A which is a landscaped open space buffer area now pushed further north along Southgate Road. Exception [448] is amended by adding a provision that Area F of Schedule 55 be limited to accessory parking for the hotel, where the parking must be at-grade and outdoor only.

For further information, please contact Mr. Denis Charron at 244-5300 extension 1-3422.





DETAILS OF RECOMMENDATION

Document 4

1. That Schedule 55 be repealed and replaced with the information shown on Document 3.
2. That exception [448] be amended to include the following:
 - ▶ restrict the use of Area F on Schedule 55 to accessory parking for the hotel.
 - ▶ restrict parking to outdoor at-grade parking only.

CONSULTATION DETAILS

Document 6

NOTIFICATION AND CONSULTATION PROCESS

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

APPLICATION PROCESS TIMELINE STATUS

This application was received on November 18, 1999, and was subject to a project management timeline, as recommended by the "A Better Way Task Force Report". A process chart establishing critical milestones was prepared. A Mandatory Information Exchange was undertaken by staff with interested community associations since the proponent did not undertake Pre-consultation with those community associations requesting Pre-consultation. This application was not processed within the maximum 165 calendar day timeframe. More time was required to collect public comments.

INPUT FROM OTHER DEPARTMENTS OR GOVERNMENT AGENCIESCOUNCILLOR'S COMMENTS

Councillor Diane Deans provided the following comment on February 28, 2000:

"I am concerned about the rezoning application for the following reasons:

1. I have heard many objections to the proposal from the residents, as well as from the South Keys/Greenboro Community Association.
2. The land is currently zoned residential.
3. Residents moved into the neighbourhood with the knowledge that the land was zoned for residential in-fill."

South Keys/Greenboro Community Association

The South Keys/Greenboro Community Association have provided the following comment as summarized:

1. Subject lands should be kept for residential uses only.
2. Construction of parking lot will have a detrimental impact on the resale value of adjacent homes.
3. If the Planning Department recommends approval, the following restrictions are proposed:
 - ▶ Schedule 55 be amended to include "Area F" which would require a landscape buffer zone of 10.0 metres between the parking lot and the residential community, and

- ▶ Subject lands be zoned to permit only parking lot use for hotel.

Response to comments:

Schedule 55 of *Zoning By-law, 1998* is recommended to be revised to include the continuance of a minimum landscaped buffer area of six metres for the lands abutting the residential zones which includes Southgate Road (see Document 3). The six metres is consistent with Schedule 55 which was originally approved for the hotel lands.

For the balance of the subject lands, it is also recommended that Schedule 55 be revised to limit Area F to outdoor at-grade, accessory parking only for the hotel. The wording in exception [448] is also to be revised to include a provision that the use for Area F of Schedule 55 be restricted to outdoor at-grade accessory parking only.

May 10, 2000

ACS2000-PW-PLN-0057
(File: OZP2000/001)

Department of Urban Planning and Public
Works

Ward/Quartier
OT7 - Kitchissippi

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

5. Zoning - 428 Churchill Avenue North
Zonage - 428, avenue Churchill nord

Recommendations

1. That the application to amend the *Zoning By-law, 1998*, as it applies to 428 Churchill Avenue, as shown on Document 2, from I1 to CN2[507]F(2.0)H24, be REFUSED.
2. That the Zoning By-law, 1998, as it applies to 428 Churchill Avenue, as shown on Document 2, from I1 to CG F(1.0), be APPROVED.



May 11, 2000 (8:55a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



May 11, 2000 (10:52a)

Approved by
John S. Burke
Chief Administrative Officer

DJ:dj

Contact: Doug James - 244-5300, Ext. 1-3856

Financial Comment

N/A.



May 10, 2000 (2:38p)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendations

Recommendation 1

The lands to the north of the subject property, along Richmond Road, form part of the Neighbourhood Linear Commercial Area and are designated as such in the City's Official Plan. This commercial area stretches along Richmond Road to different depths, however, on the south side of Richmond Road, it does not occur south of Byron Avenue. While the Official Plan states that the boundaries of the Neighbourhood Linear Commercial Area are flexible and subject to change without amendment to the Official Plan, the Department believes that the CN2 zoning, and thus the Neighbourhood Linear Commercial Area designation, should remain on the north side of Byron Avenue. Byron Avenue has formed the traditional most southerly extension of the Neighbourhood Linear Commercial Area and if this application were granted, this would be the first instance of the Neighbourhood Linear designation occurring south of that road. Allowing the Neighbourhood Linear Commercial zoning to extend across Byron Avenue could lead to future similar applications. This in turn, could jeopardise the existence of residential properties, in favour of commercial zoning.

In addition, the City's Official Plan states that Neighbourhood Linear Commercial Areas should be consolidated, before new areas are established. It is the Department's position that allowing the Neighbourhood Linear Commercial Area to expand to the south side of Byron Avenue would be equivalent to establishing a new Neighbourhood Commercial Area, because of the precedent it would create for further such applications and the potential for expanding the established boundary of the Neighbourhood Linear Commercial Area. As well, it would be contrary to the established linear pattern which is oriented along Richmond Road, not Churchill Avenue.

Recommendation 2

By not recommending that the Neighbourhood Linear Commercial zoning be extended south of Byron Avenue, the Department has determined that the Official Plan designation for the subject property is Residential Area. This designation allows nonresidential uses provided that Official Plan policies 3.6.2.d) and e) are satisfied. These policies relate to ensuring that commercial uses do not negatively affect surrounding residential uses. To address these concerns, the Zoning By-law establishes a category of zoning known as General Commercial.

In fact, lands to the south of Byron Avenue are zoned General Commercial, which are located on the east side of Churchill Avenue, opposite the site. This zoning is CG F(1.0). This zone differs from the CN zone in that it allows a range of residential uses while permitting a range of commercial uses. The CG zone also differs from the CN zone in that it prohibits certain commercial uses, such as a parking lot, while permitting other uses that are

characteristically more neighbourhood-oriented (i.e. medical facility or a public hall).

The zoning the Department is recommending is identical to the zoning found on the opposite side of the street and allows commercial uses next to the Neighbourhood Linear Commercial Area, without extending the Neighbourhood Linear Commercial Official Plan designation. In addition to being identical to the zoning on the opposite side of the street, it is also compatible with the zoning of the adjacent properties to the south and west, which are Institutional (I1). As the uses allowed in the zoning are those associated with areas designated residential area and they satisfy Policies 3.6.2.d) and e), the proposed zoning is considered to be compatible. In addition, the applicant is not requesting any amendments to the performance standards of the CG zoning. The setbacks associated with the proposed CG zoning will allow a development that is compatible with the adjacent institutional uses. Issues such as screening the subject property from the adjacent institutional uses, the location of access to and from the site and any issues relating to the grading of the property can be addressed through the Site Plan Control approval process.

Considering the size of the property, the development potential associated with the proposed zoning, and the location of the property at the corner of a collector and a major collector road, the proposed rezoning is not expected to have a negative effect with respect to traffic on the surrounding community. In addition, the developer will be required to provide parking on site in accordance with zoning regulations. Consequently, the proposed rezoning and development of this site is not expected to cause any problems relating to parking.

Consultation

Five responses were received as a result of the posting of the on-site sign. All of these respondents had concerns regarding the proposed rezoning. Their concerns generally relate to traffic and parking associated with the proposed development. No responses were received as a result of the circulation to concerned community groups.

Disposition

Department of Corporate Services, Statutory Service Branch to notify the agent (Alister Gale, 157 Gilmour Street, K2P 0N8); the Department of Finance, Manager of Assessment, c/o Vic Melski; and the Regional Municipality of Ottawa-Carleton, Plans Administration Division, of Council's decision.

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

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

List of Supporting Documentation

- Document 1 Explanatory Note - Amendment to the *Zoning By-law 1998*
- Document 2 Location Map of Proposed Zoning
- Document 3 Municipal Environmental Evaluation Process (MEEP) Checklist (on file with the City Clerk)
- Document 4 Compatibility With Public Participation

Part II - Supporting Documentation

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

Document 1

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -00

By-law Number -00 amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law.

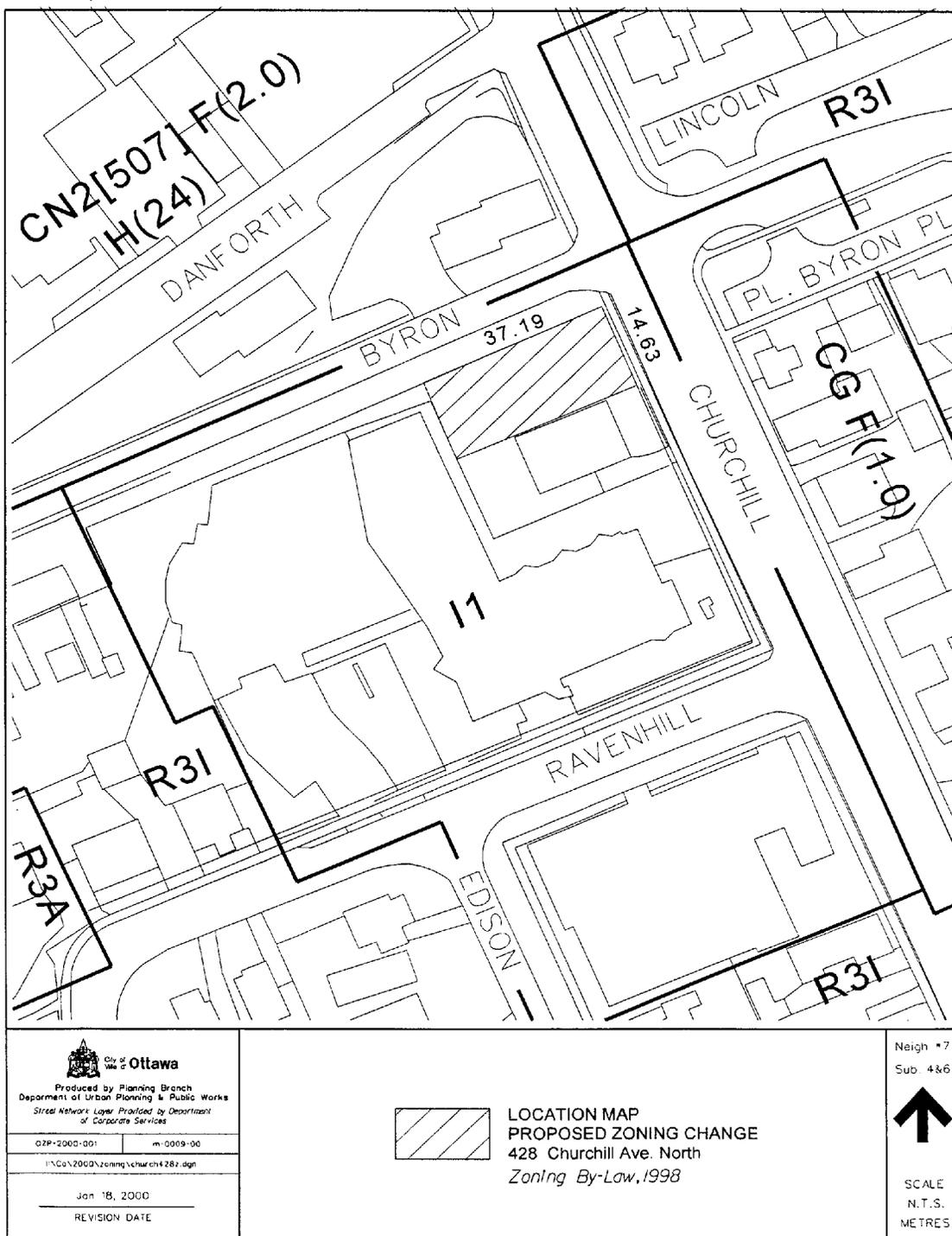
The proposed zoning amends the current institutional zoning to that of commercial, to help facilitate the commercial development of the property. The site is presently vacant.

Current Zoning Designation

The property is currently zoned I1. This is a minor institutional zone that allows a limited range of uses, such as a place of worship, a community centre or a school. Commercial uses are not permitted.

Proposed Zoning Designation

The proposed Zoning Designation is CG F(1.0). This is a general commercial zone which allows a wide range of commercial uses, including retail establishments and restaurants. Residential uses, such as single detached and semi-detached dwellings are also permitted.



COMPATIBILITY WITH PUBLIC PARTICIPATION

Document 4

NOTIFICATION AND CONSULTATION PROCESS

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

SUMMARY OF PUBLIC INPUT

Five responses were received as a result of the posting of the on-site sign. All of these respondents had concerns regarding the proposed rezoning. A summary of their responses is presented below. No responses were received as a result of the circulation to concerned community groups.

Comments and Questions From Posting of the On-Site Sign

- C. There is no off street parking in the area and very little street parking.
- A. Any proposed use must provide parking on-site in accordance with Zoning By-law requirements. These requirements should provide sufficient parking for average operating conditions.
- C. Access to the property would cause problems with the existing traffic patterns.
- A. Access to the subject site would be addressed through a required Site Plan Control application for development of the property and would have to comply with the City's Traffic and Parking By-law.
- C. The right to a quiet residential property would be lost with a commercial facility.
- A. This site is presently zoned institutional, which does not allow residential uses.
- C. The proposal will result in litter within the community.
- A. Litter is addressed through the City's Property Standards By-law.
- C. The building to the south is on the property line and a new building on the site could result in a loss of sunlight to that property.
- A. The Department is not proposing to reduce the required yard setbacks for the proposed zoning. It is the existing building to the south which does not comply with the regulations of the Zoning By-law.

- C. The proposal will compromise the safety of children in the school to the west.
- A. It is the Department's position that the proposal will not compromise the safety of children in the school to the west. The present institutional zoning will allow development of the site. Through the Site Plan Control Approval process, issues such as fencing and site access can be addressed to help ensure that any safety concerns are addressed.
- C. We question the trend to move businesses back from Richmond Road.
- A. As presented in this submission, the Department is recommending against a rezoning identical to that found along Richmond Road, because it would result in an expansion of the neighbourhood linear commercial area. However, it is noted that there is a commercial zoning opposite the subject site, south of Byron. As presented in this submission, the Department believes the commercial zoning proposed is appropriate for the site.
- Q. What is the proposal for the site and how will it effect the character of the community?
- A. The zoning will allow a list of commercial uses. All the uses listed are believed to be appropriate for the subject property. The zoning recommended for approval is believed by the Department to be appropriate for the property. For the reasons presented in this submission, it is expected to result in a development compatible with the surrounding community.
- Q. Has anyone considered the topography of the site?
- A. The zoning presently on the subject property permits development. Any building constructed under the present zoning or the proposed zoning would have to take the sloping topography into account.
- C. The proposal will result in an increased safety challenge for pedestrians.
- A. Through the Site Plan Control process, issues relating to pedestrian safety can be addressed. These include ensuring that the vehicular access point is provided in a safe location, or perhaps that a fence is provided to prohibit people from cutting through the site.

Councillor's Comments

Councillor Shawn Little is aware of the application.

May 15, 2000

ACS2000-PW-PLN-0060
(File: OZP2000/007)

Department of Urban Planning and Public
Works

Ward/Quartier
OT7 - Kitchissippi

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

Action/Exécution

6. Zoning - 276-282 Richmond Road, and 401 Edgewood Avenue
Zonage - 276-282, chemin Richmond et 401, avenue Edgewood

Recommendations

1. That the application to rezone 276-282 Richmond Road and a 4.8 metre strip of 401 Edgewood Avenue, from a CN2 [507] F(1.0) H(24) zone and a R3I zone, respectively, to a new CN2 F(1.0) H (24) exception zone, be **APPROVED** as shown on Document 2 and detailed in Document 3.
2. That an amendment to *Zoning By-law*, 1998, as it applies to the remainder of 401 Edgewood Avenue from R3I to a R3I zone with an exception, for those lands shown in Document 2, be **APPROVED**, as detailed in Document 3.



May 15, 2000 (2:27p)

Edward Robinson
Commissioner of Urban Planning and Public
Works



May 15, 2000 (2:36p)

Approved by
John S. Burke
Chief Administrative Officer

PM:pmcd

Contact: Prescott McDonald - 244-5300 ext. 1-3854

Financial Comment

N/A.



May 15, 2000 (2:22p)

for Mona Monkman
City Treasurer

CP:cds

Executive Report

Reasons Behind Recommendations

Site Context

The subject properties are located adjacent to the southwest corner of Richmond Road and Edgewood Avenue. The surrounding area consists of low density residential, generally to the south, and neighbourhood linear commercial along Richmond Road. Site development consists of a single-storey multi-tenant commercial building fronting Richmond Road and a two-storey detached dwelling fronting Edgewood Avenue. The applicant is requesting that the existing commercial zone boundary be extended in a southerly direction approximately 4.8 metres into an existing residential zoning designation.

Recommendation 1

Purpose for the Zoning Request

The zoning application has been made in order to accommodate the need for a better functioning commercial development fronting Richmond Road, as well as, to correct an historical discrepancy where a building permit for an accessory building was issued in error in 1965 which located the building footprint partially within a residentially zoned area. This building was later voluntarily removed and replaced by a larger structure in November of 1999.

Rationale

The Official Plan designates this portion of Richmond Road as a Neighbourhood Linear Commercial Area, which provides for a main street, store-front-type of commercial development found in older areas of the City. The Official Plan guiding principles relating to linear commercial developments are as follows:

- maintain a building orientation towards the street with parking and loading facilities located in side or rear yards;
- require garbage areas to be screened from adjacent uses and from a public street;
- parking lots, loading facilities and service area are screened/buffered from adjacent residential uses by employing the planting of trees, fencing, etc. wherever possible;
- location of facilities and service areas are to avoid conflicts between pedestrian circulation and service vehicles so as to minimize the effect of noise and fumes on adjacent residential properties, and if feasible, in a yard that does not abut a residential property.

The zoning amendment will comply with the above statements in that the adjacent residential property to the east is at a higher elevation delineated by a retaining wall with a wooden privacy fence on top. This provides for an adequate screen between the residential rear yard amenity area and the commercial loading and garbage activity. With respect to the residential property to the south, the applicant, who is also the owner of that residential property, intends to provide a wooden privacy fence which will separate the commercial loading area and residential driveway. It is felt that this separation would be adequate given the similarities found between the two hard-surfaced areas. The applicant also intends to establish a grass median between the residential and commercial hard surfaced areas at the street front. The intention is to establish a defined edge to the streetscape, delineating a separation between commercial and residential uses which currently does not exist.

The zoning amendment will also include an exception to permit limited custom mattress manufacturing. Currently a portion of the commercial building is occupied by a retail and repair operation specializing in bedding, and includes the making of some custom mattresses. The Official Plan policies recognize established Neighbourhood Linear Commercial Areas, such as Westboro, and provide for the enhancement of the unique, mixed use and pedestrian-oriented character of the area to serve both the local residents with some specialized uses attracting customers from beyond the neighbourhood. This development strategy is aimed at supporting the economic viability and diversity of the area which the subject making of custom mattress use conforms to. The exception, detailed in Document 3, limits the making of mattresses to approximately one-third of the floor area which is shared with a permitted repair component of the business. The exception also stipulates that this ancillary use is expected to be minimal and will be mitigated through the site improvements described above.

Recommendation 2

This recommendation is in response to what will become an altered residential lot which does not comply with the minimum lot area requirements for a detached house. The property will comply with the minimum lot width requirement and maintain a consistent street pattern for detached homes found within the residential area to the south of Richmond Road. However, due to the existence of shallow residential lots along the east side of this portion of Edgewood Avenue, the minimum lot area cannot be complied with. As indicated above, the applicant proposes to introduce a grassed area between the commercial and residential developments which will establish a transition to residential along Edgewood Avenue.

Environmental Impact

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

Consultation

Departments Consulted

All appropriate Departments have been consulted and their comments have been considered in the preparation of this submission.

Disposition

1. Statutory Services Branch to notify the agent (FoTenn Consultants Inc., 297 Sunnyside Avenue, Ottawa, Ontario, K1S 0R9, Attn: Bev Jensen), the property owner (276-282 Richmond Road Investments Ltd., 311 Richmond Road, Suite 218, Ottawa, Ontario, K1Z 6X8), the Corporate Finance Branch, Revenue Section, Assessment Control Supervisor and the Region of Ottawa-Carleton, Plans Administration Division, of City Council's decision.
2. Office of the City Solicitor to forward the implementing by-law to City Council.
3. Department of Urban Planning and Public Works to write and circulate the implementing by-law.

List of Supporting Documentation

- Document 1 Explanatory Note
- Document 2 Location Map - *Zoning By-law*, 1998
- Document 3 Zoning Details
- Document 4 Municipal Environmental Evaluation Process Checklist (on file with City Clerk)
- Document 5 Compatibility with Public Participation Policy/Input From Other Departments or Other Government Agencies

Part II - Supporting Documentation

Document 1

EXPLANATORY NOTE

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -2000

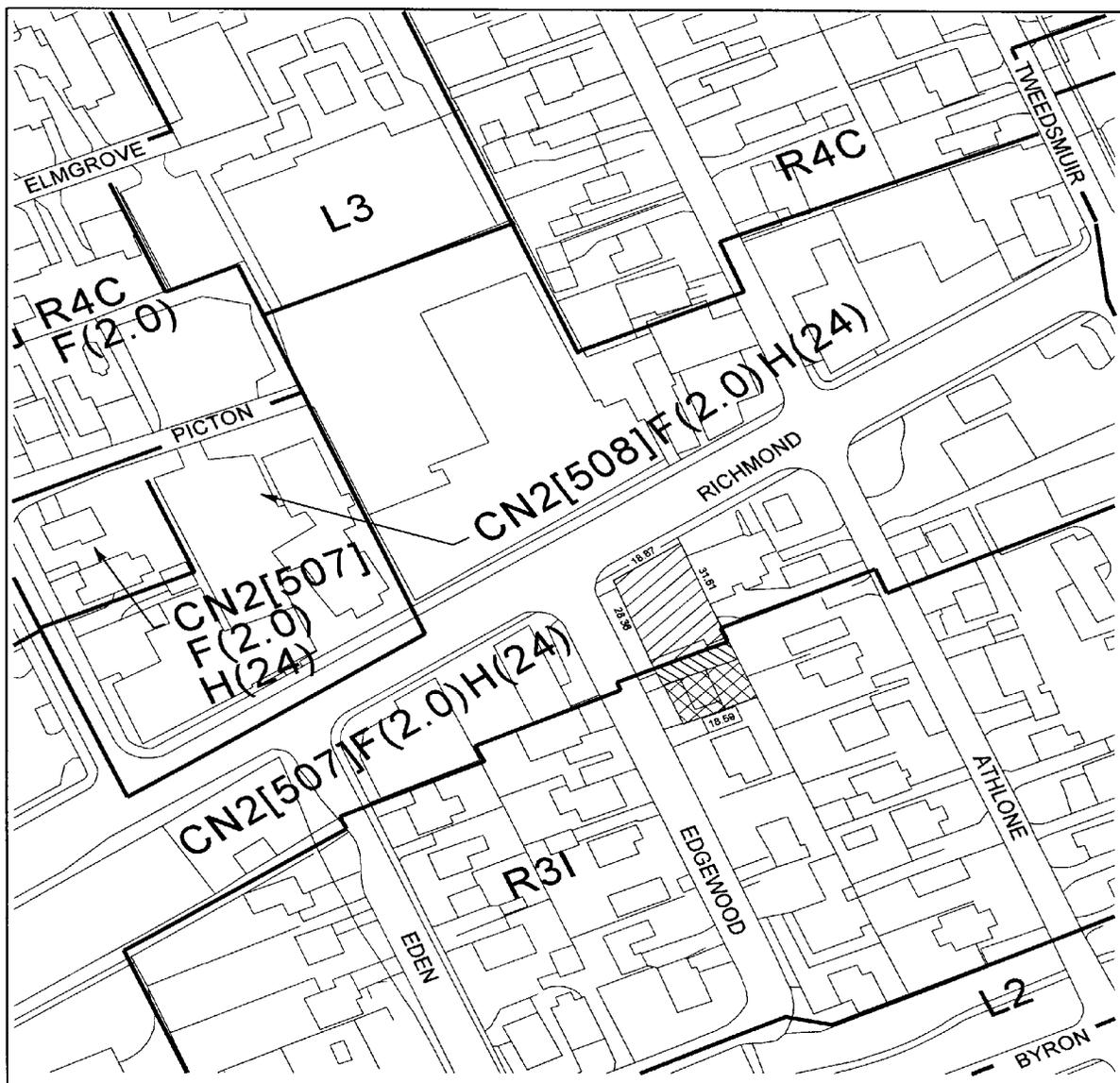
An application has been received for zoning amendments at 276-282 Richmond Road and 401 Edgewood Avenue. The purpose of these zoning amendments is to extend the commercial zoning along Richmond Road in a southerly direction approximately 4.8 metres into the residential zoning at 401 Richmond Road to permit a commercial loading activity.

CURRENT ZONINGS

The current zone designations for the subject lands are CN2[507] F(2.0) H(24) and R3I. These are respectively *Neighbourhood Linear Commercial* and *Detached House Zones*. The exception to the commercial zone permits restaurants as an additional use.

PROPOSED ZONINGS

The applicant is requesting that the zoning boundary be adjusted to accommodate the commercial building encroachment together with a commercial parking/loading activity. An exception to the commercial zone has been recommended to permit the making of custom mattress as a component of the existing retail operation. An amendment to the R3I zoning has been recommended for the purposes of reducing the minimum residential lot area resulting from the zoning boundary change and has been incorporated into a zoning exception.



 <p>City of Ottawa Produced by Planning Branch Department of Urban Planning & Public Works Street Network Layer Produced by Department of Corporate Services</p>	<p>LOCATION MAP 276 - 282 Richmond Road & 401 Edgewood Ave.</p>	<p>Neigh. #7 Sub. 4, & 5</p>						
<p>02P-2000/ 007 m-0137-00 I:\CO\2000\Zoning\Rich\2821.dgn</p>	<table border="0"> <tr> <td data-bbox="722 1528 828 1575"></td> <td data-bbox="836 1528 1331 1575">From: CN2(507) F (2.0) H (24) To: CN2 F (2.0) H (24) With an exception</td> </tr> <tr> <td data-bbox="722 1585 828 1633"></td> <td data-bbox="836 1585 1331 1633">From: R3I To: CN2 F (2.0) H (24) With an exception</td> </tr> <tr> <td data-bbox="722 1644 828 1692"></td> <td data-bbox="836 1644 1331 1692">From: R3I To: R3I With an exception</td> </tr> </table>		From: CN2(507) F (2.0) H (24) To: CN2 F (2.0) H (24) With an exception		From: R3I To: CN2 F (2.0) H (24) With an exception		From: R3I To: R3I With an exception	
	From: CN2(507) F (2.0) H (24) To: CN2 F (2.0) H (24) With an exception							
	From: R3I To: CN2 F (2.0) H (24) With an exception							
	From: R3I To: R3I With an exception							
<p>May 4, 2000. REVISION DATE</p>	<p>Reg. Plan 277 Part of Block "A"</p>	<p>SCALE N.T.S. METRES</p>						

Proposed Amendment - Zoning By-law, 1998

Recommendation 1 - CN 2 F(1.0) H (24)

That in addition to the provision of exception [507] the new exception will permit a light industrial use limited to mattress manufacturing operation subject to the following:

- i) that the manufacturing operation may only occur in association with the retail sales and repair components of the bedding business located in the same building; and
- ii) that the repair and manufacturing components of the business be limited to 95 square metres of gross floor area.

Recommendation 2 - R3I Zone Designation

That a new exception be incorporated to reflect the following:

- i) to reduce the minimum front yard setback for a detached house to 4.17 metres;
- ii) to reduce the minimum southerly side yard setback for a detached house to 0.46 metres; and
- iii) to reduce the minimum lot area to 236 square metres.

COMPATIBILITY WITH PUBLIC PARTICIPATION

Document 5

NOTIFICATION AND CONSULTATION PROCESS

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

SUMMARY OF PUBLIC INPUT

Westboro Business Improvement Area Board of Management provided the following comments:

The Westboro BIA supports this application. A business has operated at this location for many years. The move to formalize an already existing use in the commercial area is beneficial to the area in allowing the business to conduct trade appropriately and to secure its use.

The current operators/owners are conscientious and have improved the property, drawing in attractive businesses that benefit both the business and residential base situated near the property. The Westboro BIA feels that this application is valid and appropriate and thereby supports it.

The Westboro Community Association provided the following comments:

Overview: The Westboro Community Association (WCA) opposes the application for re-zoning 4.8 metres of residential land to commercial CN2 at 276-282 Richmond Road and 401 Edgewood Avenue, known as the Hardy Mattress and Feather Manufacturing. The WCA position of opposition is based on three major concerns: the use, manufacturing, is in non-conformity with the proposed zoning; the proposed zoning and activities of the applicant will impinge on the local residential neighbours; and re-zoning parcels of residential lands to support non-conforming uses will set a precedent.

The issues relating to the proposed re-zoning, as seen by the WCA, are as follows.

Non-conforming commercial use: In the fall of 1999, Hardy Mattress and Feather Manufacturing relocated to 276-282 Richmond Road where they sell and manufacture mattresses. The practice of manufacturing does not belong in a CN2 zone but rather LI (light industrial). Furthermore, if the applicant was only a retail establishment then an extension in the CN2 zoning would not be required.

Impingement on Existing Residents: The current use and proposed re-zoning will impinge on the existing residential community as documented by recent complaints from residents regarding the garbage, traffic and construction of a new ancillary building without a permit.

The proposed re-zoning will encroach on the residential zone and yield a residential driveway below average width.

Precedent setting nature: The re-zoning of residential land on residential streets to commercial will lead to encroachment of the CN2 district into the residential community. This piecemeal re-zoning will have implications for re-zoning in the future and should be avoided.

In conclusion, the re-zoning application should be denied as it contravenes specific sections of the Official Plan and indirectly supports zoning non-conformity.

Response:

Non-conforming Commercial Use

The Department recognizes the ancillary manufacturing use which has been accommodated within an exception to the zone to limit its activity. The Official Plan does contemplate permitting such an ancillary use which has been outlined in the body of this report.

Impingement on Existing Residents

The applicant proposes to remove the accessory building and provide for an enclosed garbage area in its place. In doing so, the applicant will establish a clear delineation between the commercial and abutting residential use which will essentially correspond in location to a similar separation of commercial and residential use on the west side of Edgewood Avenue. The driveway width for the residential property will comply with the minimum requirement of 3.0 metres.

Precedent Setting Nature

The Department is not of the opinion that this rezoning can be considered precedent setting. The rezoning of a 4.8 metre strip of land recognizes the historical nature of the accessory use encroachment into the residential zoning. This will facilitate a more efficient loading and storage area for the commercial activity, while ensuring that adequate measures may be put in place to separate residential and commercial land uses.

General Public Comments:

The Department received four written comments from the public objecting to the rezoning which have been summarized below:

- The proposed zoning amendment to regularize an existing situation to accommodate a framed structure only erected in November of 1999 is seriously misleading. It would appear that this is a deliberate attempt by the commercial tenant to create “fact on the ground” prior to their application for rezoning.
- The structure in question is for the purposes of a bedding retail operation, which also manufactures cushions, bedding, mattresses and refurbishes furniture. This use currently produces exceptional amounts of waste which is quite visible from the street. This business also has frequent deliveries accessed from Edgewood Avenue which is a residential street. The manufacturing component is an industrial use which is not permitted by the zoning by-law, and whose activity and placement of a unscreened garbage bin has a negative impact onto the street.
- The framed structure goes against the purpose to create visually continuous small-scale, street-level building forms along areas designated as Neighbourhood Commercial Areas in the Official Plan. The key principal of the Official Plan in this circumstance is to protect residential development from encroachment by commercial operations.

Response

- The original structure, constructed in 1965, with the benefit of a building permit, was replaced in November of 1999 by a large structure where a building permit was not issued. The owner of the property has agreed to remove the structure in question.
- The structure in question shall be removed and the unsightly area will be screened from the street.
- The recommended zoning amendment shall permit a limited, ancillary manufacturing component to the permitted retail/repair bedding business which is contemplated as a permissible unique use under the Official Plan policies for Neighbourhood Linear Commercial Areas.

APPLICATION PROCESS TIMELINE STATUS

This application was received on February 11, 2000, and was subject to a project management timeline, as recommended by the “A Better Way Task Force Report”. A process chart establishing critical milestones was prepared and circulated as part of the technical and early notification process. This application is proceeding within the recommended 100 to 135 day timeframe for this type of application.

INPUT FROM OTHER DEPARTMENTS OR GOVERNMENT AGENCIES

COUNCILLOR'S COMMENTS

Councillor Shawn Little is aware of this application.

May 2, 2000

ACS2000-PW-PLN-0063
(PD071- LBT3105/0327.145)

Department of Urban Planning and Public
Works

Ward/Quartier
OT5 - Bruyère-Strathcona
OT6 - Somerset

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

Action/Exécution

7. Proposed Amendments to Zoning By-law 5-2000

Modifications proposées au Règlement 5-2000 sur le zonage

Recommendation

That the amendments to Zoning By-law 5-2000 be APPROVED as detailed in Document 1.



May 3, 2000 (11:12a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



May 4, 2000 (8:44a)

Approved by
John S. Burke
Chief Administrative Officer

JGB:jgb

Contact: Jean-Guy Bisson - 244-5300 ext. 1-3317
Dave Leclair - 244-5300 ext. 1-3871

Financial Comment

N/A.



May 3, 2000 (10:39a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

Zoning By-law 5-2000, enacted by City Council on January 19, 2000, amends the *Zoning By-law, 1998* to introduce zoning for the Central Area. Five appeals were received against this amending by-law and are currently under review.

During this review process, a number of technical anomalies were identified and need to be corrected before By-law Number 5-2000 is sent to the Ontario Municipal Board to have the unappealed portions of the said by-law approved. This submission outlines these technical matters and recommends appropriate amendments.

PROPOSED TECHNICAL AMENDMENTS

The issues addressed in Document 1 of this report are primarily matters of a technical nature, dealing with technical anomalies found in the text, schedules and maps, and with the clarification of planning intent and information. A brief explanation of the intent of each amendment is provided.

Consultation

As the amendments proposed in this submission are either technical or remedial and are not policy-driven in nature, no additional public participation process was undertaken.

Disposition

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

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

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

List of Supporting Documentation

- Document 1 Details of Proposed Amendments to By-law Number 5-2000
- Document 2 Explanatory Note

Part II - Supporting Documentation

Document 1

DETAILS OF PROPOSED AMENDMENTS TO BY-LAW NUMBER 5-2000

Issue Number	Reference	Proposed Amendment	Objective of Amendment
1	Section 381h(1) - Regulations to CG16 Subzone	- amend paragraph 381h(1) to add the word "each" at the end	- to clarify the planning intent
2	Section 401d - Ground Floor Uses	- amend Section 401d by adding the use "museum" to the list of permitted uses	- to correct a technical anomaly by permitting a museum (which includes an archive) at grade
3	Map 13-2	on Map 13-2 - add "SCH.225" to the EW zone located along the Ottawa River - add the zone "EW[694]-h" on the inlet located east of the Portage Bridge	- to correct a technical anomaly
4	Map 13-9	-adjust the boundary of the CM2 SCH.200 zone to be located 50.66 metres west of Dalhousie Street on Map 13- 9	- to correct a technical anomaly
5	Attachment 4, Table 53	- replace "Schedule 136" with "Schedule 2" in row ii, columns II and III of Table 53	- to correct a technical anomaly
6	Attachment 19, Schedule 135	- create, below hatched box on Schedule 135, a new box with a three-digit number in it followed by the description: "NUMBER INDICATES MAXIMUM BUILDING HEIGHT ABOVE SEA LEVEL"	- to clarify the information shown on the schedule

Issue Number	Reference	Proposed Amendment	Objective of Amendment
7	Attachment 64, Schedule 180	- replace “BUILDING HEIGHTS MUST NOT EXCEED THE ELEVATION ABOVE SEA LEVEL OF THE PLANE THAT IS FORMED BETWEEN THE CONTOUR LINES” on Schedule 180 with “IN AREA A, THE MAXIMUM PERMITTED BUILDING HEIGHT ABOVE SEA LEVEL IS 26.0 METRES; IN AREA B, THE MAXIMUM PERMITTED BUILDING HEIGHT ABOVE SEA LEVEL IS 12.19 METRES”	- to clarify the information shown on the schedule
8	Attachment 65, Schedule 181; and Attachment 68, Schedule 184	- delete the statement: “BUILDING HEIGHTS MUST NOT EXCEED THE ELEVATION ABOVE SEA LEVEL OF THE PLANE THAT IS FORMED BETWEEN THE CONTOUR LINES” on Schedules 181 and 184	- to clarify the information shown on the schedule
9	Attachment 69, Schedule 185	- replace the statement: “LANDSCAPED AREA” by “REQUIRED LANDSCAPED AREA” on Schedule 185	- to clarify the information shown on the schedule

Issue Number	Reference	Proposed Amendment	Objective of Amendment
10	Attachment 76, Schedule 192; and Attachment 77, Schedule 193	- delete the statement "A.S.L. DENOTES ABOVE SEA LEVEL" and add the statement "MAXIMUM PERMITTED BUILDING HEIGHTS ABOVE SEA LEVEL" before the list of building heights on Schedules 192 and 193	- to clarify the information shown on the schedule
11	Attachment 80, Schedule 196	on Schedule 196 - add the statement "MAXIMUM PERMITTED BUILDING HEIGHTS" before the numbers 13.3, 18.9 and 21.4 - replace the word "KNOW" with the word "KNOWN"	- to clarify the information shown on the schedule and to correct a typographical error
12	Attachment 81, Schedule 197	on Schedule 197 - add the statement "MAXIMUM PERMITTED BUILDING HEIGHTS" before the numbers 10.7, 13.3, 16.0, 18.9, 21.4, 23.1 and 24.1 - replace the letter "L" with the letter "I"	- to clarify the information shown on the schedule and to correct a typographical error
13	Attachment 82, Schedule 198	- add the statement "MAXIMUM PERMITTED BUILDING HEIGHTS" before the numbers 7,8, 10.7, 12.5, 13.3, 16.0, 18.9, 21.4 and 24.1 on Schedule 198	- to clarify the information shown on the schedule
14	Attachment 83, Schedule 199	- add the statement "MAXIMUM PERMITTED BUILDING HEIGHTS" before the numbers 13.3, 18.9 and 18.3 on Schedule 199	- to clarify the information shown on the schedule

Issue Number	Reference	Proposed Amendment	Objective of Amendment
15	Attachment 84, Schedule 200; Attachment 88, Schedule 204; and Attachment 90, Schedule 206	- add the statement “NUMBER SHOWN IN BLOCKS INDICATES MAXIMUM PERMITTED BUILDING HEIGHT ABOVE GRADE” on Schedules 200, 204 and 206	- to clarify the information shown on the schedule
16	Attachment 85, Schedule 201	on Schedule 201 - add the statement “NUMBER SHOWN IN BLOCKS INDICATES MAXIMUM PERMITTED BUILDING HEIGHT ABOVE GRADE” - replace number 19.3 with number 19.5 in the block located west of By Ward Market	- to clarify the information shown on the schedule and to correct a technical anomaly
17	Attachment 86, Schedule 202	- delete Schedule 202	- to correct a technical anomaly as Schedule 202 is redundant because the central area is defined and the boundary is shown on Schedule 3
18	Attachment 89, Schedule 205	- add the statement “NUMBER SHOWN IN BLOCKS INDICATES MAXIMUM PERMITTED BUILDING HEIGHT ABOVE GRADE, EXCEPT WHERE NUMBER FOLLOWED BY A.S.L., IN WHICH CASE, NUMBER INDICATES MAXIMUM PERMITTED BUILDING HEIGHT ABOVE SEA LEVEL” on Schedule 205	- to clarify the information shown on the schedule

Issue Number	Reference	Proposed Amendment	Objective of Amendment
19	Attachment 91, Schedule 207	- add the statement “MAXIMUM PERMITTED BUILDING HEIGHTS” before the numbers 10.7, 13.6, 21.4 and 36.6 on Schedule 207	- to clarify the information shown on the schedule
20	Attachment 101, Schedule 217	on Schedule 217 - replace the statement “AREA WHERE REPLACEMENT CLAUSE DOES NOT APPLY” with “AREA WHERE SUBSECTION 5.(2) DOES NOT APPLY” - replace the statement “BUILDING HEIGHT/SETBACKS” with “MAXIMUM BUILDING HEIGHT/SETBACKS	- to clarify the information shown on the schedule
21	Attachment 102, Schedule 218	replace the statement “PROPOSED BUILDING HEIGHT” with “MAXIMUM PERMITTED BUILDING HEIGHT” on Schedule 218	- to clarify the information shown on the schedule
22	Attachment 104, Schedule 220	- add the word “MAXIMUM” before the statement “BUILDING HEIGHT ENVELOPE - QUEEN STREET” on Schedule 220	- to clarify the information shown on the schedule

Issue Number	Reference	Proposed Amendment	Objective of Amendment
23	Attachment 105, Schedule 221	on Schedule 221 - add the statement “NUMBER IN PARENTHESES INDICATES MAXIMUM PERMITTED HEIGHT ABOVE SEA LEVEL” - remove the letters “A”, “B” and “D” - replace the letter “C” with the number (13.4)	- to clarify the information shown on the schedule
24	Attachment 106, Schedule 222	on Schedule 222 - delete areas “E” and “F” - replace the letters “G” and “H” with the letters “E” and “F” respectively	- to clarify the information shown on the schedule as the related provisions are now contained in exceptions [725] and [731] respectively
25	Exception [726]	- replace the letters “G” and “H” with the letters “E” and “F” respectively in exception [726]	- to relate to the revised Schedule 222
26	Attachment 107, Schedule 223	- add the statement “ABOVE SEA LEVEL” to “THEIR HEIGHT LIMITATIONS” on Schedule 223	- to clarify the information shown on the schedule

EXPLANATORY NOTE

THE FOLLOWING IS AN EXPLANATORY NOTE TO BY-LAW NUMBER -2000

By-law Number -2000 amends By-law Number 5-2000 affecting the Central Area.

This amendment will clarify the planning intent of a provision, correct technical anomalies found in the text, schedules and maps, and clarify the information on certain schedules.

For further information with respect to the proposed amendment, please contact Jean-Guy Bisson at 244-5300, extension 1-3317.

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May 2, 2000

ACS2000-PW-PLN-0054
(File: TPL2000/003)

Department of Urban Planning and Public
Works

Ward/Quartier
OT7 - Kitchissippi

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

Action/Exécution

8. Parking - Cash-in-Lieu - 1205 Wellington Street Stationnement - Règlement financier - 1205 rue Wellington

Recommendation

That the application for a cash payment-in-lieu of providing five parking spaces for a restaurant associated with the bowling alley at 1205 Wellington Street, be **APPROVED**, in the amount of \$13,063, subject to the following conditions:

1. The applicant enter into an agreement to the satisfaction of the City Solicitor and that full payment be received upon execution of the agreement;
2. The agreement contain the condition that the credit of parking spaces shall only apply to a restaurant associated with the bowling alley at 1205 Wellington Street and,
3. The approval be considered null and void if the provisions of condition a) have not been fulfilled within six months from the time of Council approval.



May 3, 2000 (10:51a)

Edward Robinson
Commissioner of Urban Planning and Public
Works



May 4, 2000 (8:12a)

Approved by
John S. Burke
Chief Administrative Officer

DJ:dj

Contact: Douglas James - 244-5300 (ext. 3856)

Financial Comment

Subject to City Council approval, payment in the amount of \$13,063. as determined from the Cash-In-Lieu of Parking Formula, will be credited to the Parking Development Reserve Fund.


May 3, 2000 (10:21a)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

Background

The subject property is presently occupied by a bowling alley and three bays for commercial tenants. The building these uses are located in was constructed in 1946. This cash-in-lieu of parking application has been necessitated as the applicant has relocated the concession area from behind the bowling lanes, to one of the adjacent commercial bays, which was previously occupied by a retail business. Access to the subject eating area is provided both from the bowling alley and from the street.

The recommendation for APPROVAL for a cash payment in-lieu-of parking is based on the following points of consideration:

1. Acceptance of cash payment-in-lieu of parking is considered appropriate where legitimate site constraints or other hardships exist that limit the availability to provide the required number of parking spaces.

The building on the subject property has been constructed to the lot line. Consequently, it is not possible to add additional parking on site. Approving cash-in-lieu of parking is appropriate as it recognizes the prevailing physical constraints and characteristics of this property.

2. Acceptance of a cash payment-in-lieu of parking is appropriate where the existing parking supply in the surrounding area can accommodate the on-site parking deficiency.

On-street parking is permitted on both sides of Wellington Street. An examination of parking usage at the peak time for the restaurant indicates that there is sufficient on-street parking capacity to handle the proposed deficiency.

The deficiency of five parking spaces relates primarily to the short-term parking needs (less than four hours) of the restaurant, which can be readily accommodated through on-street parking. The long-term parking deficiency for this property is 0.29 of a parking space. It is noted that the applicant owns the property immediately to the west of the subject site, which is used as a parking lot. Parking at this location is used for the bowling alley. While the long-term parking requirement for the restaurant is less than one space, it is expected that this requirement will be provided at this location.

3. Acceptance of a cash payment-in-lieu of parking is considered appropriate where the use of the property is not considered overdevelopment of the site.

The proposal is not considered overdevelopment of the property. The subject application attempts to make efficient use of the existing building on the property. There is no additional floor area being added to the property, which would result in a requirement for more parking and no parking is lost as a result of the proposed development.

4. There will be no negative impact on the livability of adjacent residential areas.

As there is sufficient parking capacity along the portion of surrounding streets which are adjacent to commercially zoned properties, there is not expected to be any parking spillover onto the portion of streets adjacent to residentially zoned properties.

Recommended Cash Payment

The applicant has requested to pay a nominal cash payment as this application results from the relocation of an existing concession area. The Department, however, can not support this request. The new eating area serves both patrons of the bowling alley as well as the general public. The eating area has its own access from the sidewalk and advertises daily luncheon specials to the public. It is the Department's position that the use functions more as an independent restaurant than as an accessory concession area. As the area is intended to serve both the general public and patrons of the bowling alley, it has the potential to generate additional parking. The consideration of a cash reduction would only be consistent with a concession stand that served only people who had driven to the site to bowl and therefore it would not have the potential to generate a need for separate parking. Consequently, while there is sufficient on-street capacity to accommodate the parking that would be generated by the restaurant, there is no rationale for recommending a cash reduction.

Consultation

Two responses were received in opposition to the proposal. Each of these respondents had concerns that on-street parking in the area was already difficult to find and that this would make the situation worse. Ward Councillor Shawn Little has been circulated a copy of this application.

Disposition

Department of Corporate Services, Statutory Services Branch to notify the agent and applicant of City Council's decision and the requirement for a Cash-in-lieu of Parking Agreement.

Office of the City Solicitor to prepare Cash-in-lieu of Parking Agreement

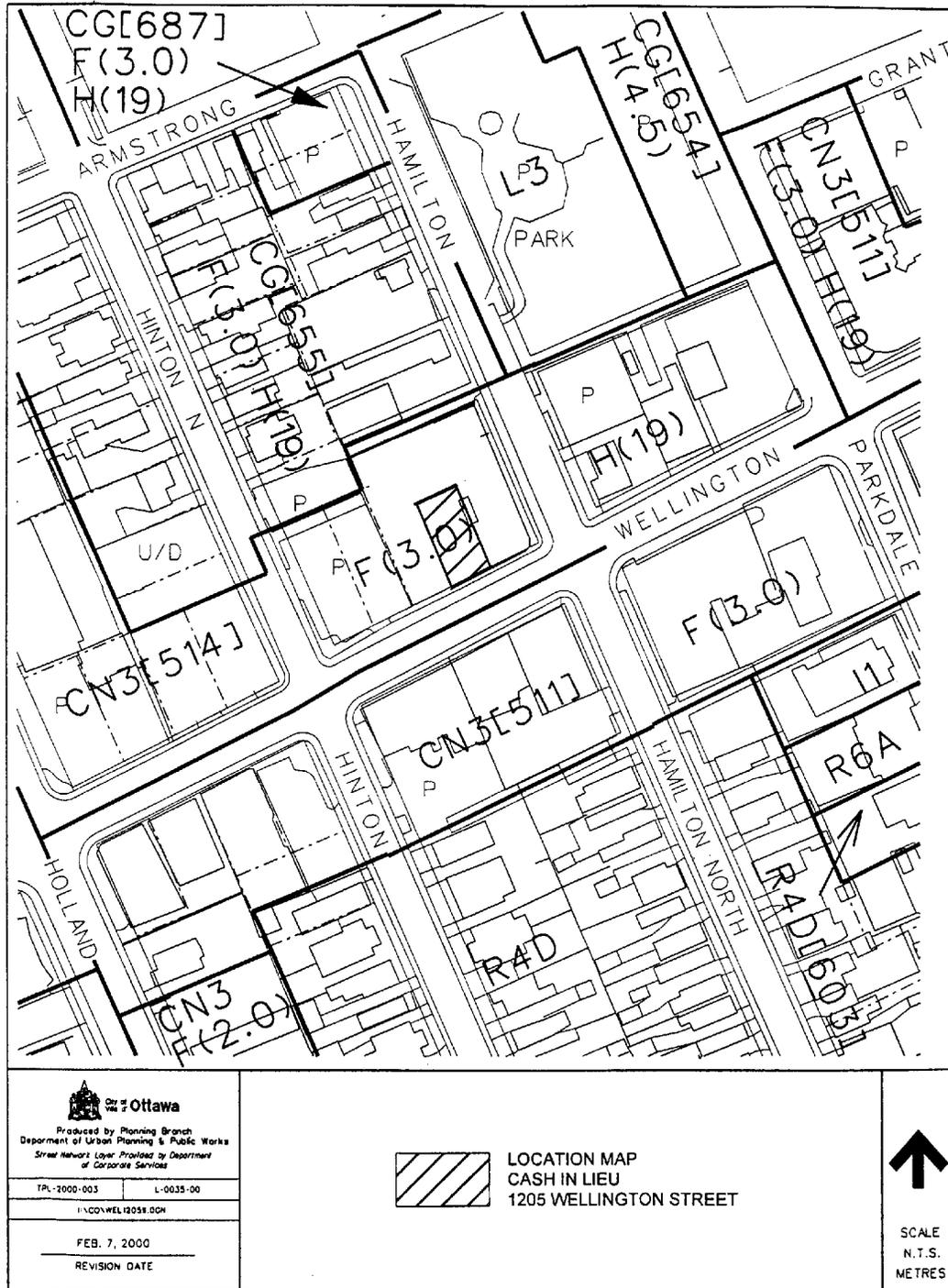
List of Supporting Documentation

Document 1	Location Map
Document 2	Fact Sheet
Document 3	Consultation Details

Part II - Supporting Documentation

Location Map

Document 1




City of Ottawa
 Produced by Planning Branch
 Department of Urban Planning & Public Works
Street Network Layer Provided by Department of Corporate Services
 TPL-2000-003 L-0035-00
 I:\CONWEL\2051.DGN
 FEB. 7, 2000
 REVISION DATE


LOCATION MAP
CASH IN LIEU
1205 WELLINGTON STREET


 SCALE
 N.T.S.
 METRES

FACT SHEET

Document 2

Cash-in-Lieu of Parking
 1205 Wellington Street
TPL2000/003

Current Zoning: CN3 [420] F3.0 H19

Restaurant: (56.2 square metres)	5.62
Parking Credit from previous retail use	0.83
Parking Deficiency	4.79

Cash-in-lieu of Parking

0.29 @ \$4,700 (long-term levy) = \$ 1,363

4.5 @ \$2,600 (short-term levy) = \$11,700

Total: \$13,063

OTHER RECENT CASH-IN-LIEU APPLICATIONS IN THE AREA

<u>Address</u>	<u>Use</u>	<u>Amount</u>	<u>Decision</u>
1208-1212 Wellington Street	Restaurant	Seven	Approved
1230-1232 Wellington Street	Restaurant	Twelve	Pending

CONSULTATION DETAILS

Document 3

NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedure was carried out in accordance with Early Notification Procedure P&D/PPP/N&C#2a approved by City Council for Cash-in-lieu of Parking Applications.

In accordance with the notification policies approved by City Council, a sign was posted on the property and a circulation letter was sent to area community groups.

SUMMARY OF PUBLIC INPUT

Two responses were received in response to the posting of the on-site sign. These people had concerns relating to the lack of available on-street parking and the effect this proposal will have on that situation as well as the anticipated increase in noise and traffic.

No responses were received as a result of the circulation to concerned community groups.

Response to Concerns From Posting of the On-site Sign

Site checks conducted by staff, at the peak time for the proposed development, indicate that there is sufficient on-street parking capacity to accommodate the anticipated short fall.

APPLICATION PROCESS TIMELINE

This application, which was submitted on February 1, 2000, was subject to a project management timeline, as recommended by the "A Better Way Task Force", and a process chart which established critical milestones was prepared. A mandatory Information Exchange was undertaken by staff. This application was originally submitted as a staff approval, however, as the applicant wishes to request a reduction in dollar value, this application must proceed to Planning and Economic Development Committee and City Council. Staff have prepared the required report and it has been placed on the agenda of the first available committee meeting.

COUNCILLOR'S COMMENTS

Councillor Shawn Little indicated that he is in favour of the proposed cash payment-in-lieu of parking.

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May 8, 2000

ACS2000-PW-PLN-0067
(File: TPL2000/001)

Department of Urban Planning and Public
Works

Ward/Quartier
OT5 - Bruyère-Strathcona

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

Action/Exécution

9. 35 Waller Street - Cash-In-Lieu of Parking

35, rue Waller - Règlement financier des exigences concernant des places de stationnement

Recommendation

That the application for cash-payment-in-lieu of providing 7.64 parking spaces for an addition to the Union Mission for Men at 35 Waller Street, be **APPROVED**, in the amount of \$8.00 (Eight Dollars), subject to the following conditions:

- a. The applicant enter into an agreement to the satisfaction of the City Solicitor and that full payment be received upon execution of the agreement;
- b. The approval be considered null and void if the provisions of condition (a) have not been fulfilled within six months from the date of Council approval.



May 9, 2000 (2:13p)

Edward Robinson
Commissioner of Urban Planning and Public
Works

DAB:dab

Contact: Doug Bridgewater - 244-5300, ext 3387



May 10, 2000 (8:11a)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

The value of the Cash-in-Lieu payment is \$41,093. as determined by the Cash-in-Lieu of Parking formula.

Subject to City Council approval of this report, this payment will be reduced from \$41,093 to \$8.00 and will be credited to the Parking Development Reserve Fund.


May 9, 2000 (1:39p)

for Mona Monkman
City Treasurer

BH:cds

Executive Report

Reasons Behind Recommendation

Background

This application relates to a proposed building addition to accommodate 24 special needs housing rooming units at the Union Mission. The subject property is located on the east side of Waller Street with frontage on Besserer Street and Daly Avenue. The Mission has a capacity for 125 occupants and contains sleeping, dining, nursing, chapel and administrative facilities. Nearby are Arts Court, a hotel and office development, and other commercial facilities, low profile residential buildings and a high-rise apartment building. Across Besserer Street to the north and adjacent to the east are commercial surface parking lots.

Currently there are one interior and two exterior tandem parking spaces on the Union Mission site. The Mission also has a 99-year lease of City-owned land by the northwest corner of Waller Street and Besserer Street which is used for parking of eight cars. The Mission currently has a maximum of 20 staff on duty at any one time, which will increase to 24 with the addition. The Mission has indicated that only half of their staff usually require parking.

The proposed addition is to consist of a four-storey structure facing Daly Avenue, which requires five parking spaces under the provisions of the Zoning By-law. The addition will provide a hospice facility on the ground floor and a life-style transition rooming house facility on the upper three floors. These functions represent a broadening of the services the Union Mission can offer to homeless people. The new facilities will require a maximum of four additional staff.

Based on 1995 survey data, weekday total public parking (on-street and off-street) utilization in the surrounding blocks exceeds functional capacity; i.e., it is over 90%. Weekday off-street public parking utilization in the subject block was approximately 58%, while blocks to the east of Waller Street exceeded functional capacity, and were close to 120% of occupancy. Weekday on-street public parking utilization in the area exceeds functional capacity on all block faces around the subject block. For a Friday evening the on-street public parking utilization in and around the subject block exceeds functional capacity, whereas the off-street utilization is approximately 40%. During the weekend the on-street utilization is at capacity while the off-street parking situation has approximately 50% capacity.

Rationale

The following factors pertaining to cash-in-lieu of parking from section 7.8.2e)iv of the Official Plan relate to the subject application:

1. *Factor:* Provision of cash-in-lieu of parking is considered appropriate when the existing parking supply in the surrounding area can accommodate the deficiency.
Discussion: The proposed expansion of the Union Mission primarily will serve homeless people who have no cars and thus will have no impact on the parking supply situation in the surrounding area. It is estimated that two new staff will seek parking as a result of the addition. It is noted that data available to the City shows that weekday off-street public parking utilization in the subject block was approximately 58%, and thus the anticipated actual increase in demand of two spaces is not considered problematic.
2. *Factor:* Provision of cash-in-lieu of parking is considered appropriate if there are site constraints that prevent the provision of the required parking spaces.
Discussion: There is no space available on the Union Mission site for added parking and the proposed expansion of facilities.
3. *Factor:* Provision of cash-in-lieu of parking is considered appropriate when the use of the property is not considered over development of the site.
Discussion: The use and extent of development proposed for the site is permitted under the provisions of the Zoning By-law, and the Site Plan Control application for the proposed expansion of the Union Mission facilities was approved by Planning and Economic development Committee on May 9, 2000. The proposal is not considered to be over development of the site and to be complementary to the surrounding heritage area.

4. *Factor:* Provision of cash-in-lieu of parking is considered appropriate when not physically providing the parking will not have a negative impact on the livability of surrounding residential areas.

Discussion: The proposed expansion of the Union Mission will serve homeless people who have no cars and thus the non-provision of the required spaces will have no impact on the livability of the surrounding residential area. The parking on-site and on the land leased from City accommodates twelve vehicles, which matches the actual parking need estimated by the Union Mission administration. There is also very good transit access available near the site.

On Wednesday April 19, 2000 City Council passed a motion exempting projects for the homeless from the payment of specific development and planning application fees. The recommendation that the application be approved and that the applicant pay only one dollar per parking space is considered to be in keeping with the Official Plan and the spirit of the City Council motion.

Concurrent Applications

A Site Plan Control application for this property was considered by Planning and Economic Development Committee on May 9, 2000.

Disposition

1. Department of Corporate Services, Statutory Services Branch, to notify the applicant of City Council's decision and the requirement for a Cash-In-Lieu of Parking Agreement.
2. Office of the City Solicitor to prepare the Cash-In-Lieu of Parking Agreement.

List of Supporting Documentation

Document 1	Fact Sheet
Document 2	Location Map
Document 3	Compatibility with Public Participation Policy/Input from Other Departments or Other Government Agencies

Part II - Supporting Documentation

FACT SHEET

Document 1

Cash-in-lieu of Parking
35 Waller Street
TPL2000/001

Current Zoning: CG10[719]* F(4.0) SCH.196 - By-Law '98
RO-x[23](4.0) - By-Law Z-2K

Parking Requirement:

Use	Parking Required	Parking Credits	Parking Provided	Cash-in-lieu Sought For	Short-term	Long-term
Special Needs Housing	31	20.36	3	7.64	4.65	26.35

Short Term and Long Term Parking by Land Use (Outside Central Area)

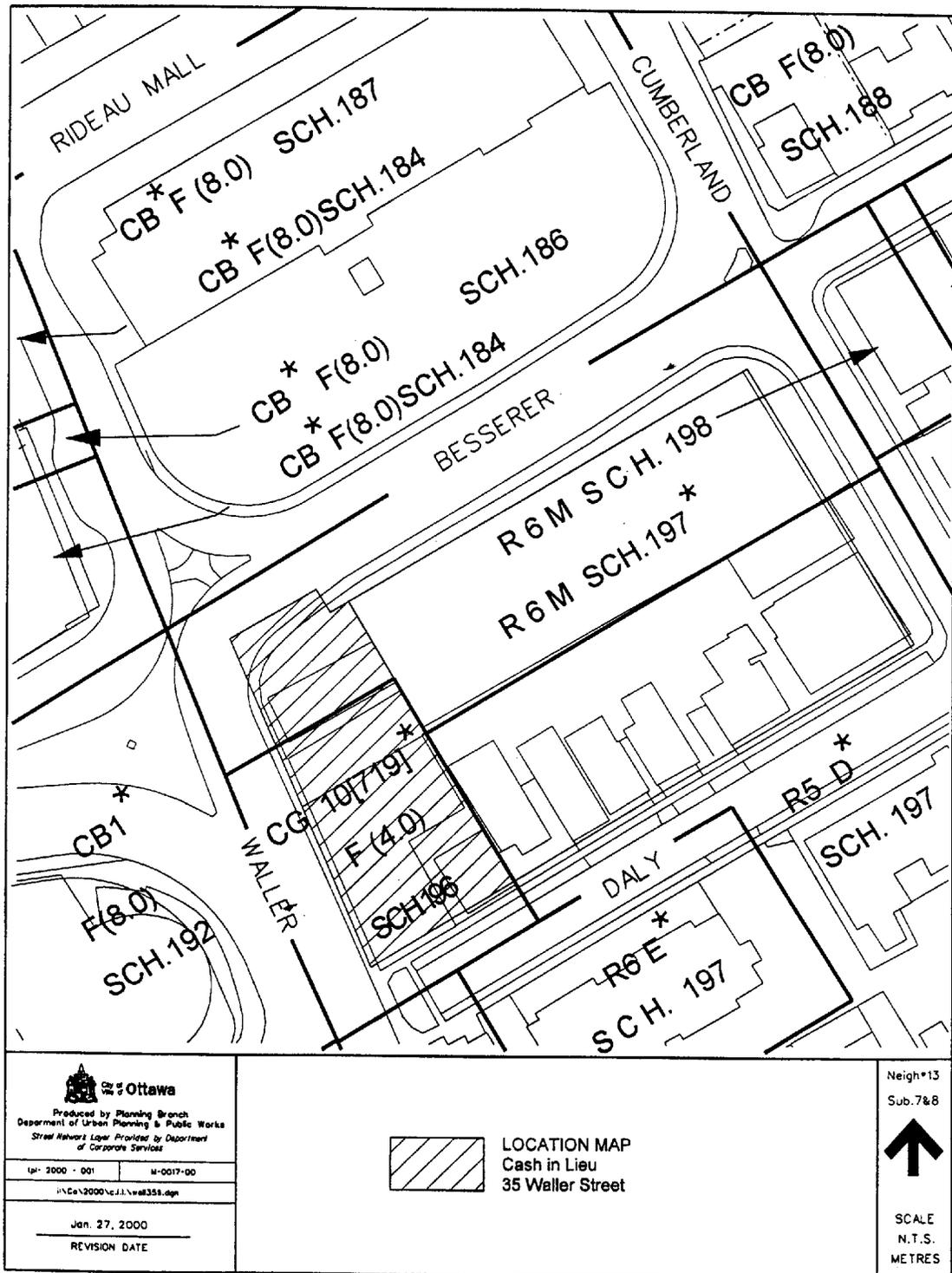
Use	Short Term	Long Term
Special Needs Housing	15%	85%

Cash-in-Lieu of Parking - If Approved without benefit of reduced rate

Long Term: 26.35 spaces - 23.36 spaces (provided) = 2.99 spaces @ \$9700.00 = \$29,003.00

Short Term: 4.65 spaces - 0 spaces (balance of provided) = 4.65 spaces @ \$2,600.00 = \$12,090.00.

Total Levy Payable, if approved without reduced rate: \$41,093.00



COMPATIBILITY WITH PUBLIC PARTICIPATION POLICY

Document 3

NOTIFICATION AND CONSULTATION PROCESS

Notification and consultation procedures carried out in accordance with early notification Procedure PDD/PPP/N&C #2a approved by City Council for Cash-in-Lieu of Parking Applications. There was no response to the notification.

APPLICATION PROCESS TIMELINE STATUS

The application, which was submitted on January 18, 2000, was subject to a project management timeline, as recommended by the “A Better Way Task Force”, and a process chart which established critical milestones was prepared. A Mandatory Information Exchange was not undertaken since the proponent undertook Pre-consultation.

This application was not processed according to the maximum 100 calendar days timeframe established for the processing of Cash-in-Lieu of Parking applications in order to facilitate finalization of the related Site Plan Control approval.

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

Councillor Stephane Emard-Chabot is aware of the application.

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Backgrounder

May 3, 2000

ACS1999-PW-PLN-0144

10. Protection Areas - Official Plan Amendment and Zoning Amendment

Aires à protéger - Modification au Plan directeur et modification de zonage

Issue

- in December 1998, Council approved the Natural and Open Spaces Study (NOSS), which recommended 57 natural areas city-wide for preservation.
- Council directed that the NOSS be used as the technical document to guide environmental planning decisions in the City of Ottawa. Since the NOSS is to be used in conjunction with the implementation of Official Plan natural environment policies, reference to the NOSS should be made in the Plan; amendments should also be made to the *Zoning By-law, 1998* to reflect changes made to the Official Plan.

What's New

- recommended that the Official Plan be amended to recognize the NOSS as the technical documentation supporting designation of natural areas for protection and that the *Zoning By-law, 1998* be amended to re-zone lands on a city-wide basis to comply with changes in land use designation made to the Official Plan.

Impact

- the proposed amendment will have a positive impact on the natural environment and will further the City's progress towards the goal of protecting the remaining natural heritage areas within the municipality

Contact: Author - Cheryl Brouillard, 244-5300, ext. 3392

Chief Communications Officer - Lucian Blair, 244-5300, ext. 4444 pager 780-3310



May 3, 2000

ACS1999-PW-PLN-0144
(File: OCM3100/1999-006)

Department of Urban Planning and Public Works

Ward/Quartier
City Wide

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

Action/Exécution

10. Protection Areas - Official Plan Amendment and Zoning Amendment

Aires à protéger - Modification au Plan directeur et modification de zonage

Recommendations

1. That an amendment to the City of Ottawa Official Plan to implement the Natural and Open Spaces Study (NOSS) Protection Areas by adding appropriate policy and land use designations for Protection Areas to the Official Plan, as detailed in Document 1 be APPROVED, and ADOPTED.
2. That an amendment to Section 588.(2) of the *Zoning By-law, 1998* to change the purpose statement of the ES zone by inserting the phrase “or a Locally Significant Natural Area” after the phrase “Environmentally Sensitive Area”, be APPROVED.
3. That amendments to the *Zoning By-law, 1998* to rezone the lands shown in Document 4 to Environmentally Sensitive Area (ES) to reflect the changes in land use designation made to the Official Plan in Recommendation 1, be APPROVED.
4. That amendments to the *Zoning By-law, 1998* to rezone: (a) 2720 Riverside Drive from L1[693]-h to CE5 F(1.0); and (b) 1205 Hunt Club Road from CE3 F(1.5) and L3 to L3A, as illustrated in Document 4, be APPROVED.

5. That the By-law implementing Recommendations 2 and 3 be enacted pursuant to Section 24 of the Planning Act.



May 11, 2000 (9:16a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

CB:cb

Contact: Cheryl Brouillard - 244-5300 ext. 1-3392



May 11, 2000 (10:44a)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

There may be a negative financial impact with respect to taxation revenues as a result of changes in zoning of certain properties.



May 11, 2000 (9:02a)

Mona Monkman
City Treasurer

MM:cds

Executive Report

Reasons Behind Recommendations

Recommendation 1

The primary purpose of the Amendment to the City of Ottawa Official Plan is to implement the Natural and Open Spaces Study (NOSS) recommendations to protect a number of natural areas in the city, and to provide appropriate reference to the NOSS in the Plan to assist with environmental planning decisions in the City of Ottawa. Some technical changes to better reflect the Greenway System land use designations on Schedule "A" - Land Use in proximity to newly proposed ESAs which are in keeping with the existing zoning are also proposed within this Amendment. City Council approved the recommendation that the NOSS be used as the technical document to guide environmental planning decisions in the City of Ottawa.

In this regard, the NOSS is to be used in conjunction with the implementation of Official Plan natural environment policies through the development review process. As such, it is considered appropriate to add reference to the NOSS within pertinent sections of the Plan.

NOSS recommended 57 natural areas city-wide, called Protection Areas, for preservation. The City Council approved Protection Area Implementation Strategy (see report ACS1999-PW-ENV-004) identified the appropriate methods to protect each of these areas based on their feasibility or likelihood of being retained in a natural state. It was determined that the feasibility of protecting those Protection Areas located within the Greenway System was highest and that Official Plan and Zoning By-law Amendments would be the implementation tools. The Environmentally Sensitive Area (ESA) land use designation is one of five components of the Greenway System, as defined in the Official Plan. Environmentally Sensitive Areas are intended to be those natural areas that are worthy of protection. Thus, an ESA designation and ES zoning are appropriate for those NOSS Protection Areas falling inside the Greenway System. Consequently, this submission deals with the majority (although not all) of the lands which were categorized by the Strategy as group “B”(designated ESA in the OP and requiring a rezoning to ES) and group “C”(designated Greenway System other than ESA, requiring both an OPA and a rezoning to ESA and ES, respectively).

However, a small number of Protection Areas clearly fall outside the boundaries of the Greenway System as conceptually illustrated on Schedule “A”- Land Use. With no real or foreseeable potential to link these sites to the existing Greenway System, it is recommended that they appear on Schedule “F” - Environmental Constraint Areas / Sites as “Locally Significant Natural Area” (LSNA). A new policy section for LSNA is to be inserted immediately after the policy for ESA contained in the Environmental Management Chapter of the Official Plan and is very similar in nature to the policies for ESA. Both the ESA and LSNA are dealt with in the same fashion in the *Zoning By-law, 1998*, via the zoning Amendment thus giving both the same level of protection insofar as the zoning is concerned.

It is important to note that unlike other constraints which appear on Schedule “F”, an amendment to add a “Locally Significant Natural Area” to Schedule “F” will only be proposed once agreement has been reached with the landowner. In addition, it is noted that because LSNA appears on Schedule “F”, the underlying land use designation as per Schedule “A” still applies. All four of the LSNAs presented in this Amendment have “Residential Area” as the underlying land use designation which does not preclude zoning lands to ES. The fact that the Environmental Management Chapter is heavily cross-referenced throughout the Plan provides a clear indication of Council's intent to protect the natural environment. Conroy Swamp (NOSS ID #3502, now known as the “Greenboro Turtlehead Nature Area”) is one exception whereby it has a Special Study Area land use designation in addition to the Residential Area designation. As such, no problem exists to have lands zoned ES. Of the four LSNAs illustrated on Schedule “F”, three are group “D” Protection Areas (intended for protection) and one is part of a group “H” Protection Area (landowner intent unknown), as per the Protection Area Implementation Strategy - in all cases, consensus was reached with the landowner for the re-designation of the subject lands.

Based on the consensus approach undertaken to implement the required Official Plan and zoning amendments, the Department was unable to include all sites in groups “B” and “C” of the Protection Area Implementation Strategy at this time as further work is required to determine the boundaries of certain Protection Areas. The balance of the Protection Areas, identified in the Protection Area Implementation Strategy, and categorized into groups B, C, D and H will be addressed through subsequent reports to fulfil the recommendations of the NOSS Action Plan, and / or through the Greenway System Corridor Studies which are to commence this year. As such, this submission pertains only to those lands where consensus was reached with the landowner.

Accordingly, it is proposed that the City of Ottawa Official Plan be amended to:

1. re-designate on Schedule “A” - Land Use as Environmentally Sensitive Area a number of the NOSS Protection Areas which are located within the Greenway System and identified within this submission, and which are categorized as group “B” or “C” by the Protection Area Implementation Strategy approved by City Council in June 1999;
2. designate on Schedule “F” - Environmental Constraint Areas / Sites as Locally Significant Natural Area a number of the NOSS Protection Areas which are located outside of the Greenway System and identified within this submission, and which are categorized as group “D” or “H”, by the Protection Area Implementation Strategy;
3. revise Section 1.7 Definitions, by replacing the definition of Environmentally Sensitive Area with a new definition, by adding new definitions entitled Locally Significant Natural Area and Natural and Open Spaces Study (NOSS), and by making a revision to the Natural Area definition;
4. add new policy in Chapter 6.0 - Environmental Management to reference the NOSS and to add a new section entitled “Locally Significant Natural Area”;
5. re-designate on Schedule “A” - Land Use from ESA to Major Open Space, Linkage and Waterway Corridor certain lands which the NOSS did not recommend for protection but which are in proximity to newly defined or proposed ESAs and, which are in keeping with the existing zoning; and from ESA to Residential Area land which has since been approved for development as is the case for Assaly Woods on Schedule “A-13”;
6. incorporate minor land use designation changes on Schedule “A” - Land Use to provide a more reasonable approximation of the conceptual boundaries of the Greenway System in keeping with the existing zoning, particularly when impacted by a newly defined or newly proposed ESA by way of this Amendment, and by adding to the Greenway System where applicable;
7. re-designate on Schedule “N” - Confederation Heights Land Use, Schedule “O” - Confederation Heights Development Parcels, and Schedule “R” - Riverside Park Land

Use, certain lands to ESA to reflect the corresponding changes proposed for Schedule “A” - Land Use; and

8. reference the NOSS in all other appropriate sections of the Official Plan where necessary.

Recommendations 2 and 3

An amendment to the *Zoning By-law, 1998*, is proposed to reflect the changes made to the Official Plan for the areas recommended for protection by the NOSS and the Protection Area Implementation Strategy. The amendment applies to 31 sites across the city to be rezoned to ES or a subzone thereof. Consensus was reached with all the landowners involved. To accommodate four of these site specific rezonings, it is proposed that the purpose statement of the ES zone be amended to incorporate a new term entitled “Locally Significant Natural Area”, which identifies those natural areas located outside the Greenway System and appearing on Schedule “F” - Environmental Constraint Areas / Sites in the Official Plan. This will mean that the Environmentally Sensitive Area Zone in the *Zoning By-law, 1998* will reflect areas located both inside and outside of the Greenway System as described in the Official Plan.

This exercise generated considerable discussion about the intent and restrictive nature of the current ES zoning and is qualified within this submission so that all stakeholders have the same understanding. The ES zone does not permit uses and buildings. No change is proposed to these sections of the zoning by-law, but it is important to clarify that the current ES zoning does not preclude the establishment of elements associated with the protection, conservation and stewardship of the natural environment in an ES zone. Typically, these are fixtures which are unobtrusive and play a role in accommodating, directing and controlling human activity within an Environmentally Sensitive Area or a Locally Significant Natural Area. They may include such things as fencing, signage, benches, pathways, lighting, garbage receptacles or observation areas.

In addition to the large number of sites being rezoned to ES, there are two sites which are to be rezoned from ES to one of two L1 subzones (Major Open Space Zone), a result of the NOSS determining that the areas are not worthy of a protection level designation (see Document 4 - maps # 2401 and # 2702). A Greenway System Land Use designation continues to apply in both these instances, as well as the limited uses associated with the Major Open Space Zone.

One final site specific amendment includes the lands located between a newly proposed ES1 zone and the proposed water tower at 3100 Conroy Road. These lands are to be rezoned from IG[293] F(1.0) to L2A. This request was made by the landowner and is in conformity with the proposed re-designation of the lands from Special Study Area and Business Employment Area to Linkage in the Amendment to the Official Plan.

Recommendation 4

Two site specific zoning amendments are proposed which are not dependent on the Official Plan Amendment, but are within the context of the city-wide zoning amendment to implement the Protection Areas. In one case, realignment of the zoning boundary is required so that it aligns with the property line for a small portion of 2720 Riverside Drive (see Document 4 - map # 2703). This amendment from L1[693]-h to CE5 F(1.0) for this portion of the lands allows the appropriate demarcation of the eastern boundary of the abutting and newly proposed ES1 zone. The subject lands are designated as Primary Employment Centre in the Official Plan but were inadvertently zoned L1[693]-h in addition to the existing Employment Centre CE5 F(1.0) zoning. This submission proposes to rectify the zoning anomaly which will in effect, establish the eastern boundary of the abutting ES1 zone.

The second site specific rezoning is for 1205 Hunt Club Road, which is currently multi-zoned CE3 F(1.5) and L3. A private landowner will donate this land to the Rideau Valley Conservation Foundation when the lands are zoned L3A. Originally this property was to be identified as a Locally Significant Natural Area in the Official Plan, and zoned accordingly with an ES zoning. However, it became clear that without rezoning the remaining portion of the NOSS Protection Area, an area of land substantially more extensive than the land being rezoned through this Amendment, the land at 1205 Hunt Club Road on its own could not entirely satisfy the criteria of the NOSS evaluation and classification system and retain the Protection Area status. The owners of the balance of the Protection Area are not in favour of an ES zoning at this point in time. Therefore, the land will be rezoned to L3A which allows only a park as a permitted use. Dedicating the land to the Rideau Valley Conservation Foundation will essentially have the same goal as the City zoning it ES.

Recommendation 5

This submission is also dealing with the Official Plan Amendment upon which the city-wide zoning amendment is based. Section 24 of the Planning Act permits Council to pass a by-law which will conform with the Official Plan once the amendment comes into effect.

Environmental Impact

The proposed Amendments require a Municipal Environmental Evaluation Report (MEER) as they fall under the Automatic Inclusion List, Section a) within the Greenway System. A summary of the MEER is as follows:

The majority of the proposed revisions (25) to Schedule "A" - Land Use and to Schedule "F" - Environmental Constraint Areas / Sites of the Official Plan will result in the re-designation of areas to Environmentally Sensitive Area and the identification of Locally Significant Natural Areas, respectively. As a result, the proposed Official Plan Amendment will result in a positive impact on the natural environment, and will further the City's progress towards the goal of protecting the remaining natural heritage areas within the municipality. The majority

of the proposed revisions to the *Zoning By-law, 1998* are to implement the corresponding revisions to the Official Plan, and will result in a similar positive impact on the natural environment.

Any proposed Official Plan Amendment re-designations from ESA to another land use designation (5) are required for two reasons: either because there were no natural features on the site worthy of designation as an ESA as a result of the NOSS recommendations; or to reflect the fact that Ontario Municipal Board decisions have been issued that permit development of the site. This will result in two zoning changes from ES to another Greenway System zoning.

Consultation

Notification of the proposed Official Plan Amendment and Zoning By-law Amendment was circulated on a city-wide basis to area community associations, the Federation of Citizens' Associations of Ottawa-Carleton, to those individuals who requested a copy of the early notification at the Planning and Economic Development Committee meeting of June 22, 1999, technical agencies, and City Hall media.

The mandatory circulation of public bodies was undertaken for the draft Official Plan Amendment (the proposed draft zoning amendment was also attached). In addition to the public bodies receiving the drafts, all area community associations who provided comment on the initial notification, the Federation of Citizens' Associations of Ottawa-Carleton and, where there were changes from the original notification, community associations in the affected area were circulated a copy of the draft Amendment on March 8, 2000. All comments made by these groups are summarized and addressed in Document 6, Consultation Details.

Disposition

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

Office of the City Solicitor to forward the required Official Plan Amendment adopting by-law and the implementing zoning by-laws to City Council.

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

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

3. prepare and circulate the implementing zoning by-laws.

List of Supporting Documentation

- | | |
|------------|--|
| Document 1 | Official Plan Amendment - On File with the City Clerk and distributed separately |
| Document 2 | Explanatory Note |
| Document 3 | Explanatory Note |
| Document 4 | Location Maps of Properties to be rezoned - On File with the City Clerk and distributed separately |
| Document 5 | Municipal Environmental Evaluation Report - On File with the City Clerk |
| Document 6 | Consultation Details |

Part II - Supporting Documentation

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

Document 2

By-law Number ___ amends the *Zoning By-law, 1998*, the City's Comprehensive Zoning By-law. This city-wide amendment affects lands which are rezoned to ES or a subzone thereof. The amendment also includes two cases where the lands are rezoned from ES to L1B[694]-h and L1[693]-h; in the latter two cases, the proposed zoning is compatible with and implements the Official Plan policies respecting the Greenway System.

The zoning amendment is one method being used to implement the Natural and Open Spaces Study and the City Council approved Protection Area Implementation Strategy for thirty-one areas recommended for protection which largely fall within the Greenway System land use designation in the Official Plan. Due to the extensiveness of the lands covered, the maps should be referred to in order to locate the lands being rezoned. Detailed location maps for the affected lands are provided in the amending by-law and can be viewed or copies obtained through the Office of the City Clerk.

The purpose of the amendment is as follows:

1. To rezone thirty-one sites to an ES zone or subzone thereof, and for two cases, to rezone from ES to L1[693]-h and L1B[694]-h. (In the latter two cases, see Document 4, maps # 2401 and # 2702.) The majority of the affected lands are currently located in L1 - Major Open Space; L2 - Leisure Linkage, L3 - Community Leisure; ES - Environmentally Sensitive Area; EW - Waterway Corridor; and EA - Agricultural Area zones. A smaller number of affected lands are zoned UR - Urban Reserve; IG - General Industrial; IL - Light Industrial and CG - General Commercial. The lands are identified on the attached location maps in Document 4 and should be referred to for their exact location. There is also an amendment from IG[293]F(1.0) to L2A which permits only a park, to accommodate a request made by the property owner to rezone the lands located between a newly proposed ES1 zone and the lands to be occupied by the water tower at 3100 Conroy Road.

The purpose of the rezonings to an ES zone or subzone is to prohibit uses that may impact negatively on areas designated as Environmentally Sensitive Area. For clarity, it is noted that the intent of the existing ES zone does not preclude the establishment of elements associated with the protection, conservation and stewardship of the natural environment in an ES zone. Typically, these are fixtures which are unobtrusive and play a role in accommodating, directing and controlling human activity within an Environmentally Sensitive Area or a Locally Significant Natural Area, and may include such things as fencing, signage, benches, pathways, lighting, garbage receptacles or observation posts.

2. To amend the ES - Environmentally Sensitive Area Zone as follows:
 - a. to revise the ES zone purpose statement to make reference to Locally Significant Natural Areas, a new term which is being added to the Official Plan.

For further information regarding the proposed amendment, please contact Cheryl Brouillard at 244-5300, extension 3392.

As part of the city-wide zoning by-law amendment to rezone numerous properties to ES, the rezoning of two other properties is also proposed in order to: (1) reflect the appropriate boundary of a newly proposed ES1 zone which is adjacent to the subject lands; and, (2) to permit the transfer of lands to the Rideau Valley Conservation Foundation for lands located adjacent to Sawmill Creek. The maps in Document 4 should be referred to for the exact location of the lands being rezoned. Detailed location maps for the affected lands are also provided in the amending by-law and can be viewed or copies obtained through the Office of the City Clerk.

Purpose of the amendment:

1. To rezone a portion of 2720 Riverside Drive, which is owned by Public Works and Government Services Canada, from L1[693]-h to CE5 F(1.0) in order for the proposed zoning line to reflect the existing property line and the existing land use designation of Primary Employment Centre in the City of Ottawa Official Plan. (See map # 2703)
2. To rezone 1205 Hunt Club Road, which is owned by O&Y Properties Incorporated, from CE3 F(1.5) and L3 to L3A which will permit the transfer of the lands in their entirety to the Rideau Valley Conservation Foundation. (See map # 2907)

For further information regarding the proposed amendment, please contact Cheryl Brouillard at 244-5300, extension 3392.

Notification and Consultation Process

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

Supplemental Notification and Consultation

Open house meeting - September 8, 1999 Comments are summarized as follows:

1. In support of zoning and official plan amendments that will implement the NOSS protection areas.
2. Encourage the preservation of other natural areas in addition to those designated as protection areas in the NOSS.
3. It is important to publicise the landowners who have contributed land for preservation.
4. Changes in ownership of some lands to a public body may improve the chance of its preservation.
5. The NOSS has recommended appropriate zoning for ES, EW and L which has been through a very thorough public consultation process. Private land owners seem to believe that it is their right to request and receive a zoning change before, during or after this process. This is the problem that contributes to the altercation between developers and community residents. The environmentally significant areas that have been reviewed and validated by the majority should not be changed or jeopardized by profit motives of a minority. Will the \$2.5 million that the City of Ottawa received from Gloucester be used to buy Environmentally Sensitive lands currently privately owned? What percentage of the City's capital budget will be used to buy environmentally sensitive lands in Ottawa? Are Councillors aware of the potential to swap private land called Montfort Hospital Woods for adjacent Federal land called CFB Rockcliffe which is surplus to Federal requirements? Can the City of Ottawa declare to the Federal Government an interest in retaining some of CFB Rockcliffe to exchange for Montfort Woods?

Response:

1. N/A

2. The amendment to the definitions of ESA and LSNA in the Official Plan have been defined in such a manner as to permit lands other than those solely evaluated by the NOSS for protection to be identified ESA or LSNA. (e.g., through the development review process provided an evaluation similar to that of the NOSS has been undertaken.) As well, policies elsewhere in the OP make it possible to retain other natural area (eg., Urban Forest, MEEP).
3. At the present time, there is no method in place, but the suggestion will be taken into consideration.
4. If some of these lands were to be acquired by a public body, chances for its preservation may improve, but consensus with the new landowner would still be required.
5. Montfort Hospital Woods is currently the subject of two separate proposals: subdivision / zoning applications, and a second zoning amendment application. The first proposal seeks to develop the lands and the second zoning application seeks to protect the lands. The questions posed at the September 8, 1999, open house will no doubt be addressed through the current site specific zoning and subdivision processes for the subject lands as this submission does not incorporate lands which had been subject to an appeal to the *Zoning By-law, 1998*.

Circulation of the draft Official Plan Amendment and Proposed Zoning Details - March 8, 2000

Comments are summarized as follows:

1. Generally supportive of the recommendations to implement the NOSS including the addition of Locally Significant Natural Area to accommodate the preservation of important sites not in the Greenway System.
2. NOSS cannot be the sole criteria for land preservation, as ecologically and socially important grassland / old-field areas that merit preservation will never be preserved. Policies in the Official Plan should be worded in such a way so as not to exclude lands not recommended by NOSS from preservation.
3. Definitions of ESA and LSNA regarding the processes by which they could be designated for preservation need to be clarified.
4. An additional public information meeting should have been held after the proposed amendments were released to answer questions about why something was done the way it was, or why a certain definition was adopted – question whether this nearly final exercise has been public participation at its best.

Response:

1. N/A
2. The amendment to the definitions of ESA and LSNA in the Official Plan have been defined in such a manner as to permit lands other than those solely evaluated by the NOSS for protection.
3. Changes to clarify the processes by which an ESA and LSNA can be identified have been made to the definitions.
4. The Department followed its public participation policy; there did not appear to be a need to call another meeting given the proposed changes were generally favourable. Once the comments were received, explanation was given to respondents having questions on the proposed amendment.

Champlain Park Community Association

1. Support the amendments, particularly those shown on Schedule A-6 and the zoning map # 0901; however, disappointed that the amendment covering the eastern portion of map # 0702 was not included and wish to strongly support the rezoning of those woods to ES as soon as possible. Understand that a development proposal will be coming forward shortly which will clarify the proposed extent of the potential development and allow us to have some input into the situation of the woods.
2. Several examples of hackberry trees in the area just south of the parking lot at Remic Rapids which is not included in the designated part of map # 0902; while they probably will not be included in the ESA designation, their presence should be noted for future possible MEER's for this area. In addition, the eastern portion should include the entire pond.

Response:

1. The developer has signed an agreement for exchange of lands with the NCC for the said lands on the condition they obtain all the necessary development approvals in accordance with the city's position stated last September, which includes a full formal consultation process with the Community interest groups as part of the rezoning exercise.
2. This information has been forwarded to the NCC, and to the Environmental Management Branch for their information. The eastern portion of the ESA has been modified, with the consent of the NCC, to include the entire pond.

South Keys/Greenboro Community Association

1. Believe that protected natural areas will add to the beauty of Ottawa and to the quality of life of its residents, and hope that additional NOSS sites will be protected and brought forward in one or more reports in the future.
2. Especially pleased to see that part of NOSS site map # 3502 (Conroy Swamp), now officially named as the “Greenboro Turtlehead Nature Area” designated Locally Significant Natural Area in the Official Plan and rezoned from Light Industrial to ES1.
3. Very satisfied with the proposal to designate NOSS site map # 2403 (Conroy Woods) and 3100 Conroy Road as ESA and Linkage, respectively, in the Official Plan, and to rezone the lands accordingly. The Community Association participated in recommending to Regional Council in 1999 that a “win-win” scenario would be the acceptance by three nearby communities of a 16-storey water tower in combination with the protection of greenspace near the tower.

Response:

1. Staff are continuing the negotiation process to identify more lands as ESA or LSNA. In addition, Greenway System Corridor studies are to commence this year which will provide more opportunities to achieve the same goal.
2. N/A
3. N/A

Federation of Citizens’ Associations of Ottawa-Carleton

1. Support these Official Plan and Zoning Amendments which implement some of the NOSS results; protection of these wooded, wetland areas by ES zoning has long been desired by the FCA.
2. Understand that negotiations on the boundaries of some areas which are not included in this submission are ongoing and hope that they will be forthcoming soon.
3. Explanation is required for the deletion of the ESA of Assaly Woods, and for the downgrading of any other ESAs.
4. Support the processing of NOSS ID #s 0101 (tail of Mud Lake near Parkway); 0201, (Linkage area along Elmhurst); 0702 (east portion of Champlain Park Woods); Linkage parcels related to 0801 (Copeland Park portion of western corridor); 1301 (Amelia and

Victoria Island); 1601 (Brown's Inlet); 1602 (Patterson's Creek); 1702 (Carleton University Woodlot); 2901 (CNR Line Greenspace); 2904 (McCarthy Woods); 3103 (RA Centre Woods); 3701 (DND Rehab Woods).

Response:

1. N/A
2. See response to South Key/Greenboro Community Association (1.) above.
3. The Ontario Municipal Board dealt with an appeal on these lands, and ordered the city in October 1991 to rezone the lands to permit development. As part of the zoning which was approved, a small section was restricted to a landscaped area, the purpose which was to preserve a small part of Assaly Woods. A corresponding change to the OP was needed but was not undertaken immediately as the required studies were not submitted. Because NOSS identified this site, and because the Protection Area Implementation Strategy (approved by City Council in June 1999) categorized this site as Group "F" - "Development Approved" where protection was not feasible, it was determined that this submission was the appropriate avenue to make the necessary revision to the OP.
4. All these sites will be dealt with either in the second report or the upcoming Greenway System Corridor studies.

Fairhaven Cooperative Community Inc.

1. Support the rezoning of NOSS map # 2301 from L2[693] to ES1. This site has many of the same features found in the larger Montfort Woods site, which abuts the Aviation Parkway on the east. Before the Parkway was constructed the two areas were contiguous. It appears that it is only the difference in land ownership which prevent their consideration for ES together at this time.
2. Understand that the NOSS site # 2501 (Assaly Woods), although listed as a NOSS protected area, is not part of the proposal which seeks to implement the NOSS Protection Areas. Ask that the City do its utmost to protect at least the oldest parts and unique features of this wooded site through the site planning process, and that development constraints be placed on these features.
3. Encourage the municipality to consider setting up a land stewardship program for natural areas; urban pressures can be alleviated to some extent and residents can contribute concretely to the ongoing preservation of the green spaces that Canadians value so highly.

Response:

1. The lands which have been brought forward in this submission were achieved through a consensus approach.
2. See response 2. above to FCA. In addition, re-zoning and site plan control applications have been submitted in November 1999 and March 2000, respectively. These comments have been forwarded to the planner processing the applications.
3. This suggestion is in keeping with the Official Plan and has been forwarded to the Environmental Management Branch for its information. The Region of Ottawa-Carleton, in collaboration with community groups, is establishing a Land Trust in Ottawa-Carleton which could assist in natural areas procurement and management.

GREENSPACE ALLIANCE of Canada's Capital

1. Support the idea of amending the Official Plan and *Zoning By-law, 1998* to provide for greater protection of our urban green spaces, and strongly urge the City to bring forward more sites in the future.
2. Support the creation of LSNA on Schedule "F"; support the proposed definition of ESA which is not restricted to NOSS sites but can include other sites that have been subjected to similar evaluation as part of a secondary planning study; support the inclusion of 3100 Conroy Road; support the inclusion of all areas recommended for protection in the July 20, 1999, circulation and understand that some of the areas not in the present package are still under negotiation as to boundaries and hope that these remaining areas will be brought forward for consideration by Council at a future date.
3. Recommend that the proposed definition of the Natural and Open Spaces Study be amended to clarify that the NOSS was limited to woodlands, wetlands and watercourses. Position continues to be that the exclusion of urban grassland/old fields from the NOSS has resulted in the unfortunate consequence of indicating that this important ecosystem type is not environmentally important or valuable; argue that this position is not defensible on environmental or social grounds. Hope that the City will pursue the conservation of grassland/old-field areas in the future; as such, the definitions of ESA and LSNA must remain broad enough to incorporate such additions.

4. Definitions of ESA and LSNA need careful examination by the City's legal department to ensure their 'defensibility' in the case of OMB appeals. Redefining ESA has some members in support, others did not see a difficulty with the proposed wording, while others felt that the use of the NOSS criteria should be complementary to the definition of ESA but not used in place of it. Others were more concerned that the definition not be too restrictive, as it might be if it only referred to the NOSS criteria for selecting suitable sites for the ESA designation.
5. Do not support the inclusion of OP amendments to designate land uses compatible with OMB ordered zoning changes to significant green spaces such as the Assaly Woods (map # 2501); rather, these types of amendments should be presented in a separate document to facilitate additional public debate regarding these sites. Assaly Woods contains 80-100 year old butternut and black cherry trees and has flourishing American elms and other uncommon species, and hope that at least some of this site be preserved despite the OMB ruling.
6. NOSS ID map # 0401 needs marsh as well as shore in ES area.
7. NOSS ID map # 1101 needs to include the significant marsh created by the pond between the railway underpass and Dow's Lake.
8. NOSS ID map # 1102 should have the stand of trees between Fisher, Holland, and Carling included.
9. NOSS ID map # 2301 is missing significant parts of the R5A zone noted in original proposal.
10. NOSS ID map # 2401 seems to be incorrect, showing a significant portion of Airbase Woods zoned to L1B. Perhaps only the southern portion should be rezoned.
11. NOSS ID map # 2703 has a significant historical feature (quarry used for Houses of Parliament) that is included in land to be rezoned CE5. Perhaps this should be reconsidered.
12. NOSS ID map # 2704 - has consideration been made to the location of water treatment facilities as per the Confederation Heights Stormwater Treatment study?
13. NOSS ID map #s 3102a, b, and c have been "re-lettered" since the last circulation. NOSS ID map # 3102a (old 3102b) is missing all land near Transitway pathways. What zoning is intended for this land? NOSS ID map # 3102b (originally map 3102c) is missing the southerly portion. Can we assume that this has already been zoned ESA? Map 3102d (June 14 report, but not in July circulation) is missing rezoning at the rear of the LCBO warehouse area.

14. NOSS ID map # 3201 is missing the river front to the Transitway Bridge. Is the EW zoning adequate protection?
15. Congratulations on completing NOSS ID 3402 and 3403.
16. NOSS ID map # 3502 is missing substantial part of IL land that is marsh. Is this still in landowner discussion as in previous versions?

Response:

1. More sites will be brought forward, either through a second report and or through the Greenway System Corridors studies. As well, additional sites may be identified through other secondary planning studies and through the development review process.
2. See response to item 1. above
3. Definitions for ESA and LSNA have been clarified since the draft circulation, and sites identified as ESA or LSNA are not restricted solely to those evaluated by the NOSS.
4. Legal advice was given on the definitions of ESA and LSNA.
5. See response 2. to FCA and response 2. to Fairhaven Cooperative Community Inc. In addition, these comments have been forwarded to the planner reviewing the development applications for the said lands.
6. The zoning line has been brought to the shoreline, consistent with the approach for zoning in other locations.
7. The NOSS did not include this area for protection. Clarification of this issue is required to determine if further investigation is warranted; should changes be required, they will be made through the next report.
8. The NOSS did not include this area for protection. The issue will be investigated further to determine if the stand should be added, and as in the case above, any required changes will be made through the next report.
9. Concurrence could not be obtained from the landowner for the portion zoned R5A; these lands continue to be on the list for future negotiations, but at this point in time, the remaining portion can be identified as ESA on Schedule "A".
10. The boundary of the ES zone was determined based on several field visits, and with the concurrence of the landowner.

11. The quarry is entirely included within the newly proposed ES1 zone, with the concurrence of the landowner.
12. No, the mandate was to implement the Protection Areas, in this case the woodlots on the site.
13. Map # 3102a has been removed in its entirety since the draft circulation. The landowner indicated a concern with a restriction that may pose a problem for potential development on an adjacent site. As such, further discussion is required with the landowner regarding the boundary of the Protection Area before it can be brought forward for consideration as an ESA. A large portion of map # 3102b (originally 3102c) was part of the Riverside Park Neighbourhood Plan where a large piece of land was designated and zoned ESA and ES, respectively. Site verification was undertaken for the LCBO warehouse portion of map # 3102d and it was determined that it did not warrant protection.
14. Map # 3201 has been removed from this submission at the request of the landowner, given the uncertainty surrounding the need for a clean-up of the site and the possible zoning implications.
15. N/A
16. These lands have been donated to the city by the land owner. The balance of the lands will be developed in accordance with agreements made through the Hunt Club Enclave Subdivision.

Other Public

1. The time period given to comment on this proposal is too short. Omissions that include McCarthy Woods and Champlain Park Woods since the July 20, 1999 report should be rationalized and made available for public comment before the report is passed at PEDC.
2. Concerned with the lack of restrictions on the height, extent and appropriateness of non-habitable buildings as proposed in the zoning details, and the location of non-habitable structures to be permitted in the ES zone, as well as their location, etc., in relation to the sensitive elements of the ES zone.
3. Will 3100 Conroy Road receive a NOSS ID #, or be shown on the Location Map with a special symbol? Or be added to the Addendum List with a special symbol?
4. Why were NOSS ID #1701 and #3302 omitted from the Location Map?
5. NOSS ID # 2501 and # 3701 appear on the Location Map, but not on either the Zoning Maps or the Addendum List. Why?

6. NOSS ID #2907 appears on the Zoning Map, but not on the Location Map or the Addendum List. Why?

Response:

1. The draft OP and Zoning Amendment were circulated for thirty days. The process used to implement the amendments was based on a consensus approach with landowners; other areas for which boundaries require more discussion will be brought forward in a second report, or through the Greenway System Corridor studies, to commence this year.
2. The details of the proposed zoning have changed substantially since the March 8, 2000 circulation of the draft Official Plan and Zoning Amendment. The intent of the current ES zoning is included within this submission and no further uses have been added to the zone.
3. The property known municipally as 3100 Conroy Road is not part of a NOSS ID # and nor is it proposed to become one. This submission accommodates a request from the landowner to redesignate the lands from Business Employment Area and Special Study Area to Linkage, and to rezone the lands from IG[293] F(1.0) to L2A to permit only a park. This request was granted as it is compatible with the proposed ESA designation and ES1 zoning, on the abutting lands.
4. Map # 1701 and # 3302 were not included on the Location Map (Appendix C) as the areas are already designated ESA on Schedule "A" - Land Use; the title of the Location Map in Appendix C has been amended to reflect that the map illustrates only those ESAs and LSNAs that have been put forward by this Amendment.
5. Map # 2501 has been deleted from the Location Map, as this NOSS area was the subject of an OMB order in 1991 which instructed staff to amend the zoning by-law to permit development of the site. The corresponding change required in the OP could have been undertaken through the city-wide technical omnibus Official Plan Amendment (# 19), but it was decided that this submission provided a more appropriate mechanism given that it was identified by the NOSS, and that the Protection Area Implementation Strategy grouped it into a category "F" - protection not feasible.

Map # 3701 was not subject to a zoning change through this submission - only an OPA is being considered as the zoning change was dealt with through the submission entitled "363 Smyth Road Zoning Amendment" (Reference #ACS1999-PW-PLN-0102) which was approved by City Council on February 16, 2000.

6. This submission is dealing with an extremely small section of the overall NOSS Protection Area. The NOSS identified a substantially larger area as a Protection Area; this one small portion when considered on its own merit did not warrant Protection Area status in terms of the NOSS evaluation and classification, and thus it was inappropriate to identify it as ESA or LSNA. Only those ESAs and LSNAs proposed through this Amendment appear on the Location Map. However, the land is being transferred to the Rideau Valley Conservation Foundation by O&Y Properties Inc. on the condition that the lands be rezoned to L3A. This request has been incorporated in this submission as the end goal is the same, i.e., protection and conservation of the lands.

INPUT FROM OTHER DEPARTMENTS OR OTHER GOVERNMENT AGENCIES

National Capital Commission

1. The NCC commented that a portion of the west tip of site # 2405 - NRC Woods North may be required, at some point in the future, to provide access from the future War Museum to potential activity space to the east between the escarpment and Rockcliffe Drive. This need may arise from future site planning for the Museum. Confirmation is requested the potential requirement of the access would not be impeded by the proposed zoning.
2. The NCC requested that three sites be deferred pending further study, which included a portion of Sawmill Creek Woods (NOSS ID # 3102A); Rideau River Park Woods (NOSS ID # 3201); and Hampton Park Woods (NOSS ID # 0703). The respective reasons given are summarized by: (i) the effects of a 10 metre setback to be addressed through site plan control (SPC) on the viability of any future development of an abutting site resulting in the requirement for a better delineation of the ES line based on a higher level of detail than the present exercise has afforded; (ii) the uncertainty surrounding the need for a clean-up for a portion (or all) of the site, which would remove the existing vegetation – any OP or zoning designation would confer an impression of protection that may not exist, future studies of clean-up requirements may aid in the delineation of future ES zoning; (iii) the small size of this site suggests there is a potentially large, but at present unknown, effect of the potential 10 metre setback (reviewed through SPC) on any alternative uses on portions of the site. This in turn would suggest that a more detailed examination of this site would best determine the extent of the ES designation.
3. The NCC requested that it be involved in the planning of the Greenway Corridor studies, as specified in the joint agreement on Greenway System corridor planning.

4. The NCC confirms their understanding that a recreational pathway is not considered a land use for zoning purposes, as stated in the City's recent written interpretation to the NCC on this subject.
5. The NCC would like to explore the possibility, at the time of planning on individual sites, of having portions of adjacent ES sites considered part of the parkland dedication given that some ES zones form parts of larger areas that may possess development potential.

Response:

1. The proposed zoning changes contained in this submission do not permit a driveway. The *Zoning By-law, 1998* permits a driveway if it is a listed permitted use, it is accessory to a listed permitted use or it meets the following criteria: (i) it passes over land used for a purpose which is identical to the use of the land to which the driveway provides access; (ii) it is in the same zone as the use to which it provides access; and (iii) it provides access to a use which is a listed permitted use in the zone. Given that none of the above apply, a zoning change would be required either to add the use, or to amend the zoning boundary. Given that an Environmental Assessment would be required for this to occur, the Department anticipates that local concerns would be addressed.
2. The Department has agreed to defer the three sites as per the request of the NCC. The success of the Official Plan and Zoning Amendment proposal to implement the NOSS Protection Areas to this point of the exercise is largely due to the co-operation of all landowners, with the NCC being the largest landowner. Given the nature of the issues which resulted in the request for the deferral of the three sites in question, the Department is confident that a compromise can be reached on these three sites in the near future.
3. Greenway System Corridor studies will commence this year, in co-operation with the NCC and other pertinent public agencies.
4. Clarification of the current ES zoning is given in the submission, which describes that pathway, along with a host of other 'fixtures', are not land uses for zoning purposes.
5. The possibility of using sites zoned ES in lieu of parkland dedication is within the mandate of the Department of Community Services; UPPW will work co-operatively with all parties to seek the best possible solution on a site specific basis.

Agriculture and Agri-Food Canada

Would like to ensure that the proposed ES zoning does not permit development / activities which may cause adverse impacts on unique features or on the ecosystem of the area, and remains in keeping with Policy 6.3.2b) which states that City Council may permit only those activities (such as nature appreciation, sensitively designed / located pathways) which are compatible with the protection and conservation of the unique natural features (i.e., the protection of wildlife, vegetation and urban forest and the maintenance of shorelines.)

Response:

The proposed zoning changes to the *Zoning By-law, 1998* are in keeping with the Official Plan policies, as amended, for the Greenway System.

Public Works and Government Services Canada

1. PWGSC suggested that Section 2.1.14 and Schedule "A-15" be modified as follows: realign the western boundary of the area to be changed from ESA to Linkage shown on Schedule A-15 to match the boundary of the existing L1B-tp2[548] zone, and extend the existing Transportation Facility land use designation eastward to align with boundary change suggested above. This will recognise the existing Aviation Museum use.
2. PWGSC noted that Schedule A-9 (Sir Charles Tupper Building Site) be modified as follows: the property boundary of the Sir Charles Tupper Building site should be realigned to conform to the proposed boundary change associated with NOSS ID map # 2703.

Response:

1. The Department agrees with the suggested changes and has reflected the same in section 2.1.14iii) and on Schedule A-15.
2. The Department is of the opinion that Schedule "A" - Land Use accurately depicts this site and that adjustment is required for the zoning boundary; however, further modifications have been included within the Amendment to Schedule "N" - Confederation Heights Land Use and Schedule "O" - Confederation Heights Development Parcels, to reflect the proposed zoning changes.

National Research Council

The NRC registered its opposition to the application of an ES designation on a small portion of the NRC property lying within the boundary of NOSS ID map # 2405.

Response:

The application of the ES designation follows the property line of the NCC lands located immediately to the north of the NRC. This information was conveyed to the NRC, with the confirmation that all of its properties continue to be treated as group “H” - “landowner intent unknown”, and that no action contained in this submission is rezoning any of its land holdings.

Rideau Valley Conservation Authority

1. The RVCA raised a concern regarding the proposed term “non-habitable building or structure” as contained in the draft zoning details; however, RVCA is aware that further work is underway to maintain a more restrictive approach to the ES zone while at the same time allowing for the provision of built features such as benches, boardwalks and pedestrian bridges.
2. The RVCA requested that the lands at 1205 Hunt Club Road be rezoned to L3A, a subzone which permits only a park, in lieu of the proposed L3 which permits a greater range of uses.
3. The RVCA expressed its desire, in the very near future, for the City and the RVCA as well as perhaps other partners to discuss particular Official Plan policy changes aimed at management objectives for watercourses which were identified by the NOSS, and which were not all captured in this submission.
4. The RVCA noted that the lands shown by NOSS ID map # 2801, located immediately to the north of the Hunt Club Road bridge, may when developed, provide additional opportunity to add to the ES zone which is being established through this amendment, so as to provide for inclusion of a suitable area which will preserve the linear nature of a shore land ESA.

Response:

1. The restrictive nature of the current ES zone is not changing; however, this submission clarifies that the ES zoning does not preclude the establishment of elements associated with the protection, conservation and stewardship of the natural environment.

2. The Department has made the appropriate revisions and it is proposed to rezone the lands from L3 and CE3 F(1.5) to L3A.
3. A comprehensive assessment of all possible means to fulfill the NOSS and Greenway System objectives for watercourses must be undertaken. An amendment to the Official Plan is but one avenue that will in all likelihood be pursued. Participation by the RVCA and other stakeholders will be essential through this process.
4. Proposed policy in the Official Plan allows for the ability to designate more lands as ESA or LSNA in the future should it be warranted.

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Backgrounder

May 18, 2000

ACS2000-PW-PLN-0074

11. National Capital Commission “Core Area Concept Of Canada’s Capital”

Commission de la capitale nationale - “Concept du Coeur de la Capitale du Canada”

Issue

- in April, the National Capital Commission (NCC) presented to the City its plans for developing the core area of Ottawa in a document entitled *Core Area Concept Of Canada’s Capital*.
- a major challenge is the need to balance Ottawa’s dual function as capital of the nation and a contemporary urban centre.
- the NCC proposals include four initiatives on the Ontario side of the Ottawa River: LeBreton Flats; Chaudières and Victoria Islands; the Sparks Street area; and the Bank Street Axis to the Ottawa River.
- Planning and Economic Development Committee directed staff to report to Council on the NCC proposals.

What’s New

- there is both general and specific concern with the NCC proposals. To cite just three: several aspects of the Sparks Street initiative are not supported; the federal initiatives need to be prioritized, e.g., LeBreton Flats should come before acquisition of land on Sparks Street; and there are questions about the federal government’s role in the marketplace.
- recommended that municipal policies and processes apply where matters of municipal jurisdiction are concerned and that any reference to the primacy of the federal government be restricted to the area immediately in and around Confederation Boulevard.

Impact

- there are serious implications for the City in the NCC proposal, which will direct future federal land use decisions in the City’s downtown core
- cooperation and coordination with the NCC as these proposals evolve will be important to ensure that any changes made are consistent with the goals and policies of the City’s Official Plan

Contact: Author - Jack Ferguson, 244-5300, ext. 3122

Chief Communications Officer - Lucian Blair, 244-5300, ext. 4444, pager 780-3310



May 18, 2000

Department of Urban Planning and Public Works

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

ACS2000-PW-PLN-0074

(File: XCD3300/0445)

Ward/Quartier

City Wide

Action/Exécution

11. National Capital Commission “Core Area Concept Of Canada’s Capital”

Commission de la capitale nationale - “Concept Du Coeur De La Capitale Du Canada”

Recommendations

1. That City Council object to the provisions of the Sparks Street Area initiative which:
 - ▶ creates a public square at Sparks and Elgin Streets
 - ▶ demolishes and/or relocates heritage buildings
 - ▶ provides an underground parking garage
 - ▶ considers the south side of Sparks Street only
2. That City Council advise the NCC that the LeBreton Flats initiative should be its first priority for funding and development, followed by the Bank Street Axis initiative as opposed to property acquisition on Sparks Street.
3. That City Council advise the NCC that where the Core Area Concept of Canada’s Capital affects matters of municipal jurisdiction, such as civic streets, transit, building design, development approval and local planning, that municipal policies and processes shall apply.
4. That City Council advise the NCC that the Vision for the Capital Core Area should be amended so that the reference to the idea of the primacy of the Government of Canada is focussed on the area immediately in and around Confederation Boulevard.

5. That City Council express to the NCC its concern with the role of the NCC in the marketplace, specifically the impact of the acquisition and holding of strategic development parcels in the city.
6. That City Council advise the NCC of the technical comments and concerns as set out in Document 1 attached to this submission with respect to the Strategic Environmental Assessment (SEA) of the *Core Area Concept of Canada's Capital*, dated April, 2000.



May 18, 2000 (11:07a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

JF:jf

Contact: Jack Ferguson - 244-5300 ext. 1-3122



May 18, 2000 (1:03p)

Approved by
John S. Burke
Chief Administrative Officer

Financial Comment

There are no direct financial implications in the concept plans as presented.



May 18, 2000 (10:52a)

for Mona Monkman
City Treasurer

RC:cds

Executive Report

Reasons Behind Recommendations

Context

On April 25, 2000, staff of the National Capital Commission (NCC) attended a regular meeting of the Planning and Economic Development Committee (PEDC) to provide an overview of a new document, entitled "*Core Area Concept of Canada's Capital*" (*the Concept*). A Strategic Environmental Assessment (SEA) of *the Concept* was also provided. *The Concept* represents the second phase in a three phase process which is to result in the development of a Core Area Sector Plan by the NCC. The Sector Plan is to apply exclusively to federal properties. Phase one consisted of the preparation of a "*Vision for the*

Core Area of Canada's Capital Region" which, in combination with the "*Plan for Canada's Capital*" was considered by City Council on October 7, 1998 (see report ACS 1998/1301-111).

The "*Core Area Concept of Canada's Capital*" focusses upon what amounts to the central areas of Ottawa and Hull, with various functional linkages drawn among other parts of these municipalities where the federal government is deemed to have an interest and/or where municipal and federal domains intersect. Described as consisting of principles and objectives concerning planning, urban design and programming, it has been done at a high level and does not concern itself with implementation in any significant way.

General Support

There has been a genuine attempt to introduce the municipal (civic) presence into *the Concept*, although some confusion over roles arises because *the Concept* makes reference interchangeably and seemingly at times indiscriminately to outcomes that are within the municipal realm and contains proposals which will ultimately require municipal infrastructure to implement. By and large, the principles contained in *the Concept* are supportable in that they are consistent with the objectives and policies in the City of Ottawa Official Plan. By way of example, the principles of encouraging mixed use and residential infilling, high standards of urban design, relocating the interprovincial movement of goods outside the Core, sustainable urban development, respect for and enhancement of the identity of the Core Area's neighbourhoods, protection and enhancement of the natural and cultural landscape areas associated with the waterways in the Core Area, confirmation of the Core Area as a "privileged" site for employment in the Capital region, and recognition of the municipal sector's partnership with the federal projects are all valid and supportable from a municipal perspective.

Concerns

Notwithstanding the foregoing, there are certain specific and overall concerns with the "*Core Area Concept of Canada's Capital*" and it is recommended that City Council bring these to the attention of the National Capital Commission. They are contained in Recommendations 1 through 6 of this submission and are elaborated upon below.

Recommendation 1

The Sparks Street Area initiative is not supported, including changes identified as improvements to Metcalfe Street.

- **The creation of an open space along Metcalfe, between Sparks and Queen is not supported:** it is not necessary in this location and is not needed to accommodate large numbers of people approaching Parliament; more public open space close to the lawns

of Parliament Hill, Canada's most important and symbolic public space, would undermine the supremacy of Parliament Hill. It is not necessary for any potential Civic function because such an open space should be located close to the seat of the Civic government, potentially the current site of RMOC headquarters, which already contains functional public spaces. The City's Official Plan policies for Sparks Street and for the Parliamentary Precinct call for a number of at-grade pedestrian links between these two areas through and between buildings along Wellington Street to Sparks Street. The proposed square at the eastern entrance to Sparks from Metcalfe Street does not address these policies at all but in fact, serves to detract from a pattern of pedestrian movement which the Official Plan seeks to encourage.

- Even if, as predicated, visitorship to the Hill increases annually for the next 50 years, the sidewalks of the streets approaching the Hill will take a long time to reach capacity. Further, it is considered that **crowded sidewalks contribute to a sense of place and create a feeling of excitement for people approaching the Hill**, something that a windswept plaza on Metcalfe Street at Sparks would fail to do.
- **The erosion of the historic grid pattern of the core with its oblique views of the Hill to create a public space of questionable utility is not supported.** The City's Official Plan supports the protection of the unexpected views of the Hill from downtown streets, rather than improvements to Metcalfe Street which, in the words of *the Concept*, "address and complement the Parliamentary Lawn".
- **The removal and/or moving of heritage buildings is not supported.** The significance of the existing context/location of buildings which pre-date Confederation is greater than any need to improve views to symbols of post-Confederation. The Central Area West Heritage Conservation District Study recommendations include a request to the Historic Sites and Monuments Board to designate the area of Sparks and Elgin Streets as a National Historic District, of which only 17 exist across Canada. The area where the NCC proposes to remove heritage buildings and create an open square is considered to be worthy of consideration as a place of national historic significance. This is partly due to the character created by the street's narrow cross section and narrow, shallow nineteenth century property dimensions. Furthermore, Sparks Street has also been the site of significant events in our history, both locally and nationally. It bears the name of one of the early civic fathers, Nicholas Sparks. It was one of the first streets to become a hub of commercial activity in Ottawa. It was the scene of the slaying of D'Arcy McGee, a Father of Confederation. The removal of parts of the historic fabric of Sparks Street in order to insert an open plaza at its heart is an incompatible intrusion upon what is recognized as an historic gem in the city and demeans the very essence of what the street represents.
- **Residential development on Sparks requires more thought.** The 150 units mentioned in the Concept isn't enough to make a big difference. The schematics shown seem to indicate new high profile buildings, apparently along the north side of Queen St.

Locating all units in a tower could shade Sparks Street. The City's Official Plan recognizes the critical need to maximize direct sunlight penetration on the Mall. There is no mention of locating residential space "above the storefronts" or inserted within existing buildings, which would help to guarantee the future of some of these small, heritage office buildings and ensure the maintenance of human scale, characteristic of Sparks Street between Bank and Elgin Streets.

- **The size, location and rationale for the underground parking lot is questioned.** The City's Official Plan seeks an adequate supply of short-term parking for Sparks Street, which serves shoppers. The proposal for 650 vehicles (1,000 new spaces on the block overall), plus 25 tour buses is meant to serve a much larger, different demand. Further, the location of the garage means that large volumes of traffic will enter and exit adjacent to the eastern gateway to the Mall, creating a conflict with the high volumes of pedestrian traffic seeking to reach Sparks. The substantial noise, fumes and vehicular movement associated with the operation of the proposed garage are inappropriate and inconsistent with the Official Plan's policies for Sparks, which seek to protect the "oasis in the heart of the City" offering sheltered seating areas, the sounds of water fountains and street musicians. It will also serve as a barrier, rather than a link to the open space associated with the World Exchange Plaza to the south. The impetus for creating underground parking in such a prominent location is the removal of tour buses from Parliament Hill. Shuttle buses from satellite parking facilities could be used for visitors to the Core and would be far less disruptive. There will be no development over top of the garage to support its construction costs, as was the case with the Canlands development. Accommodating movements of 650 vehicles, plus 25 tour buses on the existing road network will have a major impact on the urban fabric and may run counter to overall municipal policies that seek to facilitate a multi-modal transportation serving the Central Area which maximizes the use of public transit, encourages the use of cycles, reduces carbon emissions, and reduces parking demand.

Recommendation 2

Six Core Area Initiatives have been identified, four of which are on the Ottawa side of the River. They are:

- ▶ Development of LeBreton Flats in accordance with the approved Secondary Policy Plan for a mixed use community, national cultural and institutional uses, large festival park, public open space and access to the River.
- ▶ Waterfront commercial, cultural, recreational, educational and industrial activity on Chaudières and Victoria Islands in conjunction with opening up the Upper Ottawa River for seasonal navigation.
- ▶ Sparks Street Area redevelopment for open space, new residential, commercial, office development, and parking.

- ▶ Bank Street Axis, linking Bank St. with the Ottawa River for pedestrian access, boating/water-based activities.

The *Core Area Concept of Canada's Capital* is a long range document, expected to span 50 years in its implementation. Those federal initiatives which have been identified represent substantial public investment which could “kick start” private investment, creating an exciting momentum of renewal and revitalization in the downtown.

Questions of prioritizing among the various initiatives immediately arise. The costs are potentially enormous (land purchases, decontamination, facilities development...). What gets done first? What is most important? Who are the partners? Does the federal government have an implementation strategy for the Plan?

From a municipal perspective, there are two initiatives which it is recommended should be commenced first: LeBreton Flats and the Bank Street Axis initiative.

LeBreton Flats has long constituted a hole in the fabric of the inner city. It offers a potential in the order of 1,500 new dwelling units, substantial employment, permanent on-site cultural and recreation attractions, and enjoys extensive waterfront access; all on the doorstep of Parliament Hill and Ottawa's Central Area. Extensive and expensive remedial work is necessary to make a critical mass of lands available for development. Nevertheless, it is considered that development of LeBreton has been so long coming that it has become perceived as something of a perennial dream, lacking any real commitment. It is necessary to send a signal to the private sector that there is, in fact, a future for the Flats and that there is a serious progress being made to that end. Hence, the \$40 million which has reportedly been budgeted by the federal government for property acquisition on Sparks Street would be better spent on LeBreton.

Since LeBreton will be developed in phases over at least a decade or so, there should be a second initiative started and completed within the heart of the Parliamentary Precinct to both provide additional impetus to people making decisions about whether or not to live downtown and to supply the tourist industry with an additional shot in the arm by introducing an exciting new feature to the downtown. This second initiative should be the **Bank Street Axis**.

The Concept Plan refers to the connecting of Bank Street with the Ottawa River as a connection between the Civic (municipal) and Capital (federal) realms, the dual nature of Ottawa as capital of the nation and modern urban city. This project and associated pathway construction along the shoreline will open up new views to the north, inviting access to the escarpment and river and enable small boating and waterside activities to begin. While the Bank Street Axis is supported, care must be taken to ensure its implementation complements the wild character of the wooded escarpment.

Recommendation 3

Ottawa's dual function as both capital of the nation and contemporary urban area, hosting federal and municipal jurisdictions can and does lead to overlaps in roles. This has been identified in the past as the "town and the crown" concept. While it is acknowledged that the *Core Area Concept* is a high order guidance-oriented exercise, there is cause for concern that it fails to adequately take into account that the overall cost of supporting many of the grand schemes will fall to the municipal level of government. *The Concept* does include statements and references to working with municipal governments (e.g. acknowledgement that the local transportation system is needed to realize the long term development/use proposals set out for federal/NCC lands), however, the lack of any indication that a comprehensive examination of the transportation system will be carried out in the context of current municipal planning documents is troubling.

The federal government wishes to influence the "town" component of the city as part of this high level vision but in so doing, it speaks to numerous areas that do not fall within its mandate. The following briefly summarizes areas where the federal role as stated or implied in the *Core Area Concept of Canada's Capital* document is challenged because it automatically assumes municipal involvement or does not acknowledge the impact of the federal proposal on the daily operation of the municipality.

- Confederation Boulevard will be the primary symbolic and ceremonial reference point in the network of parkways and entries in the Core. *The Concept* states that measures be adopted to **reduce vehicular traffic on the Boulevard that is not related to its ceremonial and tourist function, while developing alternative arterial routes outside the downtown area**. Rather than linking the Capital and Civic components, this may effectively divide them and result in the additional traffic moving on to other city streets that are hard pressed to handle current volumes.
As an offshoot of the discussion surrounding Confederation Boulevard, *the Concept* also introduces a possible comprehensive realignment of transit in the Core in order to reduce the number of commuter buses on Wellington Street. Again, while interesting, this (like the above- mentioned future arterial road) is an area of municipal jurisdiction.
- Scenic approach routes are **primarily ceremonial driveways and their function as urban arterial routes should be secondary**. While *the Concept* tends to rely extensively on the local transportation system, including putting forward proposals to modify elements of the existing system, it suggests that the primary function of federal roads (parkways) and also Wellington Street be ceremonial, providing connections between federal nodes/attractions for tourists and federal employees and that their commuter/arterial functions be secondary. This position is inconsistent with principles of sustainable urban development (which is identified as one of the foundations for *the Concept*). Sustainable development would encourage maximizing the use of existing infrastructure, not limiting some infrastructure to defined purposes. *The Concept's* lack of recognition of the current use and critical role the parkways play in the larger

transportation system of the municipality is not consistent with the principle of sustainability.

- Certain municipal streets are identified as being of significance in providing connections to the federal ceremonial areas and *the Concept* states that they **need to provide a clear sense of entrance and a shift in scale, geometry, and purpose of the roadways** and they are to **reflect a transition with regard to traffic**. If a municipal street becomes a “gateway”, how does this affect its functioning as part of the network? If the function of any streets in the core is to be changed or if the traditional function of the grid pattern of the streets south of Wellington Street is to be disrupted, this part of *the Concept* is not supported.
- With respect to Core Area neighbourhoods, there are some statements which need to be qualified as being within municipal jurisdiction - **ensure the identity of architectural vocabulary for buildings with a parliamentary function**. If this policy (which is very unclear) means that buildings located off Parliament Hill with a parliamentary function should have an architectural identity similar to the buildings on Parliament Hill, it is not supported. The Gothic Revival style on the Hill should be reserved for the Hill and other idioms should inspire buildings with a parliamentary function off the Hill to avoid a blurring of the identities of the Hill and the Core.
- Also within the Civic realm - **promote high design criteria for new civic development within the Core**. There is concern about who would develop and implement these design criteria. The municipality must play a strong role in their design, implementation and the review process. What exactly “high design criteria” are has not been defined, nor has the means of achieving design control been identified.
- The **Civic Realm** discussion includes numerous references to areas of municipal responsibilities - e.g. design; strengthening links between central business districts (cbd’s) and adjoining neighbourhoods; promoting consolidation of residential uses within the Core neighbourhoods and cbd’s. These are clearly not federal responsibilities and their presence can lead to confusion.

Recommendation 4

The Concept describes the proposed **Vision statement for the Capital Core Area** as being comprised of three main ideas, one of which is “**the primacy of the Government of Canada**”. The Capital Core Area as defined in *the Concept* basically includes the entire Ottawa Central Area (including Lebreton). The City’s Official Plan acknowledges the Parliamentary Precinct, which lies between Wellington and the River, the Portage Bridge and the Canal, as the Area of Federal Presence for the nation’s capital, with Parliament Hill as its symbolic focus. **The City cannot support a statement that makes the federal government first and foremost in the Central Area**, the multi-functional centre of the city that serves as the thriving business and employment heart of the municipality. It is

considered that *the Concept's* own statement of the underlying goal for the Core, namely, “to express the vitality of the area and the reinforcement of exchange between the federal and city aspects of the Core Area...” contradicts the premise of “the primacy of the Government of Canada”. Furthermore, Official Plan policy seeks infill development of the frontage sites on the south side of Wellington, something that is designed to establish a strong street wall and to **contain and complete the parliamentary quadrangle**, whereas *the Concept* envisions a formal federal influence beyond the Parliamentary Precinct throughout the Central Area.

Recommendation 5

In addition to the NCC, the other major federal player with a significant influence on the future development of the City of Ottawa is Public Works Canada (PWC), which owns most, if not all of the properties on the north side of Sparks Street. *The Concept* focusses discussion to the south side of Sparks Street, where NCC acquisition of land has and is proposed to occur. The plans of the primary land owner (PWC) are not represented in *the Concept*. The NCC wants to revitalize the street, yet their track record throughout the core is less than stellar. For example, the federal government is not an aggressive developer of land; witness the Daly Building, the Laurier/Waller/Nicholas triangle, or LeBreton Flats. The government acquires strategic parcels of highly visible land in this city and then holds on to it while it in some cases is allowed to become a blight on the landscape. The latest move to purchase office space for demolition on Sparks coupled with a refusal to grant its business tenants nothing more than short term leases on the street is yet another instance of uncertainty created by the federal government's activity in the local market. The federal government's activities in the marketplace, combined with its proposed involvement in areas that clearly fall within the mandate of the municipal sector, such as the establishment of an outer ring road around the core or the reconstruction of King Edward Avenue, only serve to make matters worse.

The absence of implementation strategies, timelines or costing of options in association with the preparation of a high level planning vision has done nothing to ease this paralysis. It is not known whether *The Core Area Concept of Canada's Capital* represents the government's intention to fulfill its vision, regardless of cost or, if it represents a commitment to proceed to Treasury Board with a business case that would provide some indication of whether the market will be able to build what the vision seeks.

Recommendation 6

A technical review of the Strategic Environmental Assessment (SEA) document accompanying the *Core Area Concept of Canada's Capital* was carried out by the Department.

A SEA is a systematic, iterative process for evaluating the environmental consequences of a concept in order to ensure that significant impacts can be identified at the earliest appropriate

stage of decision making together with economic and social consideration. *The Concept* incorporates the directions of Sustainable Urban Development principles which protect ecosystems through mitigation and makes efficient use of resources in development patterns and transportation choices. Sustainable Urban Development principles and other environmental principles have generally been integrated into *the Concept* in an effective manner. However, a number of observations and suggested actions have been made which, if acted upon would improve *the Concept*. These are included in Document 1 to this submission.

Consultation

As this submission is a policy position responding to a federal government-initiated project, no public input was sought. This constraint did not permit solicitation of external comments. However, a copy of the submission and notification of the Planning and Economic Development Committee meeting was provided to the Federation of Community Associations of Ottawa-Carleton and the Ottawa-Carleton Home Builders Association.

A Corporate Team with representation from the Departments of Community Services (Business Strategy Branch); Finance; and Urban Planning and Public Works (Engineering, Environmental Management, Licensing, Transportation and Buildings, and Planning) was formed to review the “*Core Area Concept of Canada’s Capital*” and the Team’s comments have been incorporated into this submission.

Disposition

Department of Corporate Services, Statutory Services Branch, to forward this submission and City Council disposition to the National Capital Commission, c/o Mr. François Lapointe, 202-40 Elgin Street, Ottawa, Ontario, K1P 1C7.

List of Supporting Documentation

Document 1 Environmental Concerns and Observations on the *Core Area Concept of Canada’s Capital* and associated Strategic Environmental Assessment (SEA).

Part II - Supporting Documentation

Document 1

Environmental Concerns and Observations on the *Core Area Concept of Canada's Capital* and associated Strategic Environmental Assessment (SEA)

- *The Concept* sends conflicting messages regarding the future of shoreline corridors, particularly along the Ottawa River. For example, waterways are intended to provide recreational opportunities and be “open and accessible to the public”. However, the SEA also indicates “potentially positive effects on shorelines may result through shoreline improvements with increased naturalization and rehabilitation as part of the development of these sites” These two objectives run at cross purposes, leaving the ultimate objective for shorelines unclear. The scope and magnitude of the development has not been outlined and there is no statement on how the negative impacts resulting from this development will be mitigated.
- The Ottawa River is the focal point of *the Concept* and as a result, increased recreational uses will place increasing demands on this resource. The SEA states “negative effects on the desired objective of naturalized shorelines may occur in areas where support facilities for boating are constructed at the water’s edge and through the construction of the locks” and “docking facilities will be developed at the water’s edge at various points in the Core Area for water taxis and tour boats”. In addition to increased noise, wave action and spillage of gasoline and diesel from motor powered boats crossing the Ottawa River, there is also a proposed transportation link to open up the Ottawa River at the “lost channel” for eco-tourism. The mitigation measures proposed in the SEA on water resources of the Ottawa River are “Best Management Practices for boat operations such as the management of fuel” and “relevant guidelines in the Department of Fisheries and Oceans Fisheries Act should be adhered to.” While compliance with Best Management Practices and guidelines are the minimum standard for boating, it is not clear if they adequately address concerns of cumulative effects on the water quality of the Ottawa River. A more detailed environmental assessment to assess these concerns at the appropriate stage of development is recommended.
- The Ottawa River receives the bulk of the storm water from the Core Area and the Rideau Canal receives the remaining portion. The SEA states “ Storm Water Management Plans should be prepared for re-development sites at LeBreton flats, the Islands and Scott Paper”. The City of Ottawa and the RMOC are designing a storage tunnel at an estimated cost of \$45 million to divert 90% of the existing combined sewage overflows on a system wide basis to the R.O. Pickard Environmental Centre. These over flows which originate from outside of the study area presently discharge to the Ottawa River within the Core Area. There is presently no storm water management

from Federally owned and leased buildings within the Core Area (other than Parliament Hill). The SEA has not identified the opportunity for improvements to the existing deficiencies identified in storm water management in *the Concept*.

- The combination of the three issues raised above, namely, near shore development, increased boating, and storm water discharges, raise concern over degradation of fish habitat resulting from increased rates of sedimentation, pollution from boating traffic and general reduction in water quality from urban storm sewers. As a mitigation measure the SEA proposes to “ensure that docking facilities are sited so as not to interfere with fish spawning grounds”. Is enough presently known about fish habitat in the Ottawa River including migratory routes to ensure this will be the case? An undertaking is needed to ensure that the impacts on fish in this regard is adequately addressed.
- The section entitled “Air quality and energy conservation” should contain some reference to climate change issues and reduction of greenhouse gas emissions. LeBreton Flats and Chaudière and Victoria Islands hold tremendous potential as model developments from the standpoint of energy efficiencies, climate change and air quality improvements. New buildings could be heated from a district energy system to reduce greenhouse gas emissions by at least 10,000 tonnes per year by using waste heat from local sources such as, the Cliff Street Heating Plant and the Domtar plant on Chaudière Island should planned relocation of the later not occur. The high visibility of these development sites is ideal for showcasing efficient technologies such as affordable solar domestic water heating, advanced building design standards such as R-2000 and C-2000, and commercial technology applications such as solar wall. These opportunities should be considered.
- Some of the “Environmental Planning Principal and Objects” (Table A, SEA) are contrary to the Evaluation of Effects section of the document. For example, Objective 2.2, to develop new urban green spaces, is inconsistent with page 8 of the Concept Plan which states “Future projects in the Core Area will increase the extent of impermeable surface in the Core resulting in increased runoff”. Also, reference to an addition of park space at LeBreton, Scott Paper site and Victoria Island East is a misnomer. There is no net increase, but a net decrease in park space / open space. This reference is strictly to park space and not open space. It would be more appropriate to indicate LeBreton Flats as loss of open space to be mitigated.
- In Section 5.1.4 Flora - (4.1) Urban Vegetation, the impacts to the Victoria Islands Woods should be identified and mitigation proposed similar to the treatment of LeBreton Flats. In Section (4.2) Natural Connections, the Rideau River should be acknowledged as a secondary natural connection to the Ottawa River, and should also be identified for enhancement.

- The Concept to protect wooded escarpments (ie Parliamentary Cliffs) does not go so far to commit to the protection of other wood lots. The word “escarpments” should be deleted such that all wood lots be protected (ie Victoria Island Woods) to be consistent with the vision statement to “protect and enhance” natural features.
- The **Chaudières and Victoria Islands** are designated Waterway Corridor as part of the Greenway System in the City’s Official Plan. This designation establishes leisure and water-oriented activities and uses as the primary focus, while other uses are permitted, **if** they are of a small scale, contribute or are ancillary to and do not detract from the either the leisure uses/activities or the natural environment. Opening up navigation of the Upper Ottawa to the international movement of pleasure craft will increase demands for facilities. The Islands should not become an amusement park or commercial village. *The Concept* does not provide sufficient clarification in this regard.