

**Report to
Rapport au:**

**Planning Committee / Comité de l'urbanisme
May 12, 2015 / 12 mai 2015**

**and Council / et au Conseil
May 27, 2015 / 27 mai 2015**

**Submitted on April 22, 2015
Soumis le 22 avril 2015**

**Submitted by
Soumis par:**

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Ward: RIDEAU-VANIER (12)

File Number: ACS2015-PAI-PGM-0089

SUBJECT: Zoning By-law Amendment – 385 Sussex Drive

OBJET: Modifications au Règlement de zonage – 385, promenade Sussex

REPORT RECOMMENDATION

That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 at 385 Sussex Drive (Notre Dame Cathedral Basilica) to permit a temporary parking lot for a maximum of three years, as detailed in Document 2.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage n° 2008-250, afin de permettre un parc de stationnement temporaire au 385, promenade Sussex (Basilique-Cathédrale Notre-Dame), et ce, pendant trois ans maximum, comme il est détaillé dans le Document 2.

BACKGROUND

Learn more about [Zoning By-law amendments](#)

For all the supporting documents related to this application visit the [Development Application Search Tool](#).

Site location

385 Sussex Drive (Notre Dame Cathedral Basilica).

Owner

Roman Catholic Episcopal Corporation of Ottawa, (Attn: Monsignor Kevin Beach)

Applicant

Cynthia Jacques, Novatech Engineering.

Description of site and surroundings

The site is bounded by St. Patrick Street to the south, Parent Avenue to the east and Guigues Avenue to the north. This site is the current location of Notre Dame Cathedral Basilica. At the rear of the place of worship, there is a parking lot containing 142 parking spaces. The southeast portion of the parking lot contains 85 permanent public parking spaces. The northeast portion of the parking lot consists of 57 temporary public parking spaces. It is the area of the site containing the temporary public parking that is the subject of the current application.

The surrounding land uses are varied. The National Gallery of Canada is located directly opposite the site along Sussex Drive. Federal government offices are located to the north along Sussex, and a three-storey mixed-use building and the Embassy of the United States are located to the south along Sussex Drive. There is a small commercial parking lot to the south at the intersection of St. Patrick Street and Parent Avenue.

There are also several two- and three-storey residential buildings surrounding the site. The ByWard Market area is located further to the south.

Summary of requested Zoning By-law amendment proposal

The purpose of the rezoning application is to permit the continuation of the parking lot as a temporary use for a maximum of three years.

The property is designated Central Area within the City of Ottawa Official Plan and is within The Canal character area in the Central Area Secondary Plan. The site is within the Lowertown West Heritage Conservation District, and it is also within a Design Priority Area.

The current zoning of the site is I1A[333] S207, which is a Minor Institutional Zone Subzone A, with an exception [333] and subject to Schedule 207. The 57-space commercial parking lot was permitted as a temporary use for a maximum of three years. This permission expired October 12, 2014.

Brief history of proposal

Approvals were given in 1992 and 1996 for the use of the 85-space parking area for temporary periods of three years. Permanent public parking in the southeast portion of the site was approved by City Council for the former City of Ottawa in 2000. At that time, the need for parking based on a 1995 Central Area Parking Study Update was used to support the request. The City's Official Plan also did not prohibit surface parking at that time.

In 2003, the Roman Catholic Archdiocese of Ottawa requested and was granted permission to demolish two buildings within the Lowertown West Heritage Conservation District and replace them with a commercial parking lot as an interim use to raise funds to redevelop the site. This decision was appealed to the Ontario Municipal Board (OMB), and an order was issued in 2005, permitting the parking lot as a temporary use. The OMB also approved a site plan (shown in Document 3) for the whole parking area. In 2008 and 2011, the Archdiocese was granted extensions by Ottawa City Council to the temporary parking lot use.

In October 2014, the application for a permanent parking lot was submitted. Prior to the submission of this application, staff advised the applicant that a permanent parking lot could not be supported by the policies of the Official Plan for the Central Area.

In April 2015, following discussions with City staff, the proposal was amended to request permission for the continued use of the parking lot for a three-year period.

DISCUSSION

Public consultation

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. This included the posting of signs on the site, as well as notifying residents within 120 metres of the site via mail. Local registered community groups were also notified. Responses were received from nine members of the public and the Lowertown Community Association.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designations

Official Plan Amendment 150 (OPA 150) was approved by Council in 2013 and is currently under appeal. This Zoning By-law amendment application was reviewed with respect to the Official Plan, as amended by OPA 150.

Pursuant to Schedule B and Section 3.6.6 of the Official Plan, the site is designated Central Area. Section 3.6.6 acknowledges the Central Area as the economic and cultural heart of Ottawa, as well as the symbolic heart of the nation. The Official Plan policies prioritize walking, cycling and transit use in the Central Area and seek to minimize car traffic through the downtown core. The development of the Confederation Line and Trillium Line light rail transit (LRT) systems supports these goals. Policies support the Central Area's unique combination of employment, government, retail, housing, entertainment and cultural activities and promote its vital role in the city, its distinct identity and heritage character.

Section 3.6.6.9 of the Official Plan includes specific parking policies for the Central Area, and states: "the City will ensure that parking and loading facilities address the unique role of the Central Area and contribute to an enjoyable, safe and secure pedestrian environment." It goes on to list how this is to be achieved. The City is to facilitate the provision of short-term parking to serve the retail and commercial sectors and the tourism industry, while limiting long-term parking that would be attractive to commuters. The policies discourage temporary surface parking on vacant sites (3.6.6.9.b) and require all permanent parking associated with new development to be located within a parking structure above or below grade (3.6.6.9.c). The design of

temporary surface parking lots and of parking structures should make positive contributions to the pedestrian environment and create an attractive and enjoyable street environment.

Central Area Secondary Plan

The site is located within The Canal Character Area of the Central Area Secondary Plan, and the policies do not specifically address parking or parking lots.

Urban Design Review Panel

The property is within a Design Priority Area; however, the Zoning By-law amendment application was not subject to the Urban Design Review Panel (UDRP) process because the proposal does not meet the criteria for review, as there are exceptions for parking lots.

Planning rationale

Official Plan policies for the Central Area specifically discourage surface parking, particularly through requirements that “all permanent parking required by or associated with new development (must) be located within a parking structure above or below grade” (Policy 3.6.6.9.c.).

The policies discourage even a temporary parking lot, which is to be considered only through a rezoning process (Policy 3.6.6.9.b). Rezoning to permit surface parking on a permanent basis is not contemplated, and thereby not permitted by the policies.

Policy 3.6.6.9.a does support “facilitating... the provision of moderately-priced, short-term parking... to serve the retail and commercial sectors and the tourism industry.” However, considered together with 3.6.6.9.b and 3.6.6.9.c, the intent is to achieve this through the development of parking structures, not surface parking lots. This echoes Policy 2.3.1.29, which gives direction to manage the supply of parking in areas of intensification and “support intensification and minimize the amount of land devoted to parking through measures such as providing parking underground or in structures incorporating other uses.” The italicized text is added by OPA 150, and further strengthens the direction to minimize surface parking.

The applicant contends that the continued use of the public parking lot will support local businesses and tourist destinations, until the site is redeveloped in the future. The applicant has also stated that there is no benefit to providing the 57 parking spaces

within an above or below ground parking structure as this would compromise the future redevelopment of the site.

The applicant's Planning Rationale notes that at the time of the OMB hearing, counsel for the Roman Catholic Episcopal Corporation acknowledged that they would likely seek several extensions to the temporary zoning, as it was expected to take more than three years to accrue the required funds for redevelopment. The Planning Rationale submitted in support of the request for the permanent parking lot noted that still more time is required, and the fundraising is hampered by the need to re-apply for the temporary use zoning every three years.

Planning staff maintain that a permanent surface parking lot is not permitted within the Central Area and were not prepared to recommend its approval.

Section 5.2.1 of the Official Plan states that the City may authorize the temporary use of lands, buildings or structures by Zoning By-law amendment for a period not to exceed three years, and that Council may grant further periods of not more than three years. As the applicant has amended the requested Zoning By-law amendment request from a permanent use to a temporary use for a maximum of three years, staff are satisfied that the requested Zoning By-law amendment is permitted by the Official Plan policies and are prepared to recommend its approval for another three years.

The 57-space parking lot is an interim use. This is reflected by the previous temporary zoning applications and the Ontario Municipal Board decision and acknowledged by the owners from the time of the original application. The site is in a prime downtown location, and the owner has been using the lands since 2005 as a temporary parking lot. The stated purpose of the parking lot is to assist in raising funds for the church's planned redevelopment of the parking area. The demolition of the existing buildings on site initiated these redevelopment plans, but these plans have not progressed. Limited investment is required to create or maintain the parking lot; however, it cannot continue indefinitely and remain a temporary use.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury is aware of the application related to this report and is supportive of the staff recommendation.

LEGAL IMPLICATIONS

In the event that the recommendation is adopted and appealed to the Ontario Municipal Board, it is anticipated that the hearing can be conducted within staff resources. The length of any hearing will be dependent upon the issues raised and the number of parties.

As a City-initiated amendment, if the by-law is not adopted there is no opportunity for it to be appealed to the Ontario Municipal Board. Should amendments to the by-law be adopted by Council, and the matter appealed to the Board, whether or not an external planner will need to be retained will depend on whether Planning and Growth Management staff are in concurrence with the modification and can therefore provide professional opinion evidence in support of the amendment.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this proposed zoning.

TERM OF COUNCIL PRIORITIES

The recommendation to Council implements the Council Priority of Governance, Planning and Decision Making by applying management controls to achieve Council's priorities (GP2).

APPLICATION PROCESS TIMELINE STATUS

The application was not processed by the On Time Decision Date established for the processing of Zoning By-law amendments due to the time required to resolve issues.

SUPPORTING

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Site Plan (approved by the OMB in 2005)

Document 5 Overview Data Sheet (attached separately – on file with City Clerk)

DOCUMENTATION

CONCLUSION

The Official Plan discourages surface parking in the Central Area, and permanent parking lots outside of parking structures are not permitted by the Official Plan. Permitting the parking lot as a permanent use may also constrain the future redevelopment of the site. The Official Plan permits the use of the lands as a parking lot for a maximum of three years, and although planning staff are recommending support for the temporary use of the lands for a parking lot for the fourth time, staff are at the same time urging the owner to explore other options. The Department recommends the requested Zoning By-law amendment be approved.

DISPOSITION

City Clerk and Solicitor Department, Legislative Services, to notify the owner, applicant, and OttawaScene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5 of City's Council's decision.

Planning and Growth Management Department to prepare the implementing by-law, forward to Legal Service and undertake the statutory notification.

Legal Services Department to forward the implementing by-law to City Council.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



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THIS IS NOT A PLAN OF SURVEY

 Produced by Infrastructure Services and Community Sustainability Produit par le Services d'infrastructure et Viabilité des collectivités	 Location Map / Plan de révision 385 SUSSEX DRIVE	Échelle N.T.S. Mètres  Scale N.T.S. Metres						
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Document 2 – Details of Recommended Zoning

Proposed change to Zoning By-law No. 2008-250 for 385 Sussex Drive is to amend exception [333] in Section 239, Urban Exceptions, by replacing the words:

“October 12, 2011 and expiring on October 12, 2014” in Column V with “May 27, 2015 and expiring on May 27, 2018.”

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law. Responses were received from nine members of the public and the community association, and are summarized below. Three people expressed support for the proposal; another requested additional information on public meetings; the other residents and the Lowertown Community Association are opposed to the proposal for a permanent parking lot. The Lowertown Community Association also objects to the temporary use.

SUMMARY OF PUBLIC COMMENTS

In support

The permanent parking lot should be permitted as there are limited parking spaces available in the area especially during the spring, summer and fall, and a multi-level parking structure would be an even better option.

The parking is convenient for visitors to the Élisabeth Bruyère Hospital.

Staff response

A permanent surface parking lot is not the only approach to addressing parking challenges in the area and is not permitted by the policies of the Official Plan. The proposal has also since been amended to a request for a temporary parking lot for a maximum of three years.

In opposition

Permanent zoning for surface parking on this heritage and religious site should not be permitted, as it would make it more difficult to modify for a better use in the future.

If permitted, the asphalt should be removed and permeable pavement installed instead. The heat island effect should also be avoided.

Alternatively, underground parking like that at the National Gallery of Canada could be provided by partnering with progressive developers. Lease the land, collect rents, and take possession of any and all infrastructure upon termination of the lease.

There should be no special exemptions for a church. This site is in a prime area and should be redeveloped.

Response

Planning staff agree that permitting the commercial parking lot as a permanent use would likely constrain redevelopment.

Planning staff also agree that there are numerous alternative approaches to both providing parking and raising funds for redevelopment and have little information from the owner that these have been investigated.

Community Organization Comments and Responses

The Lowertown Community Association (LCA) “wishes to be on record as opposing any further extension of the temporary approval and, in particular, any suggestion this temporary arrangement be made permanent”.

The LCA pointed out the original intentions for the temporary parking lot onsite in this 2003 report: <http://ottawa.ca/calendar/ottawa/citycouncil/a-lacac/2003/05-06/ACS2003-DEV-APR-0022.htm>

The LCA doubts that the changes to the site would have been approved if the goals of generation of cash and parking for tourists (from the most recent 2011 parking application) were the goals originally stated in 2003 application.

As the temporary parking approval has expired, the LCA assumes the lot is operating in violation of City by-laws and would like an explanation of what action the City will take until the matter is resolved.

Document 4 – Site Plan (approved by the OMB in 2005)

