

8. Official Plan Amendment 150 Settlement of Appeals – Building Height and Design

Règlement de certains appels relatifs à la modification 150 du Plan officiel – Hauteur de bâtiment et conception

COMMITTEE RECOMMENDATION

That Council adopt the settlement policies for OPA 150 proposed in this report and attached as Document 1 and the approval of these changes by the Local Planning Appeal Tribunal.

RECOMMANDATION DU COMITÉ

Que le Conseil adopter les protocoles des règlements des appels relatifs à la MPO 150 proposés dans ce rapport et figurant dans le document 1 ci-joint, et l'approbation de ces changements par le Tribunal d'appel de l'aménagement local.

FOR THE INFORMATION OF COUNCIL

The Planning Committee also approved the following motion:

THEREFORE BE IT RESOLVED that pending the outcome of the hearing at the Local Planning Appeals Tribunal on May 22, 2019, that Planning Committee direct Planning, Infrastructure and Economic Development staff to bring the zoning provisions for high-rise buildings for approval to Planning Committee on June 13, 2019 and to Council on June 26, 2019.

POUR LA GOUVERNE DU CONSEIL

Le Comité de l'urbanisme a également approuvé la motion suivante:

PAR CONSÉQUENT, IL EST RÉSOLU QUE le Comité de l'urbanisme recommande au Conseil d'accorder à Minto la prorogation de l'actuel contrat de conception et de construction du carrefour giratoire à l'angle du boulevard Brian Coburn et de la rue Strasbourg, pour qu'elle puisse aller de l'avant avec les travaux proposés dans le Rapport d'entente préalable – Carrefour giratoire (boulevard Brian Coburn à l'angle des promenades Gerry Lalonde et Jerome Jodoin) (ACS2019-PIE-PS-0030).

Documentation/Documentation

1. Director's Report, Economic Development and Long Range Planning, Planning, Infrastructure and Economic Development Department, dated April 1, 2019 (ACS2019-PIE-EDP-0016)

Rapport du directeur, Développement économique et planification à long terme, Direction générale de la planification, de l'Infrastructure et du développement économique, daté le 1^{er} avril 2019 (ACS2019-PIE-EDP-0016)

2. Extract of draft Minutes, Planning Committee, April 11, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 11 avril 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
11 Apr 2019 / 11 avril 2019**

**and Council
et au Conseil
24 April 2019 / 24 avril 2019**

**Submitted on April 1, 2019
Soumis le 1er avril 2019**

**Submitted by
Soumis par:
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Director / directeur

**Economic Development and Long Range Planning / Développement économique
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2019-PIE-EDP-0016

**SUBJECT: Official Plan Amendment 150 Settlement of Appeals – Building
Height and Design**

**OBJET: Règlement de certains appels relatifs à la modification 150 du Plan
officiel – Hauteur de bâtiment et conception**

REPORT RECOMMENDATIONS

That Planning Committee recommend Council adopt the settlement policies for OPA 150 proposed in this report and attached as Document 1 and the approval of these changes by the Local Planning Appeal Tribunal.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'adopter les protocoles des règlements des appels relatifs à la MPO 150 proposés dans ce rapport et figurant dans le document 1 ci-joint, et l'approbation de ces changements par le Tribunal d'appel de l'aménagement local.

BACKGROUND

When considering the adoption of Official Plan Amendment (OPA) 180 on January 25, 2016, Council directed Staff to work with appellants of OPAs 150, 140, 179 and 180 where possible, in order to achieve settlement of the outstanding appeals to these amendments to the City's Official Plan. This report forms part of those settlement negotiations and recommends wording changes to three policy changes, made by OPA 150, which were appealed by the Greater Ottawa Home Builders Association (GOHBA) and the Building Owners and Managers Association (BOMA). GOHBA and BOMA have agreed to the changes being proposed by this report and to the withdrawal of their appeals to nine other changes made by OPA 150 which will come into force, without change, once approved by the Local Planning Appeal Tribunal (LPAT).

The changes proposed by this report fall into three categories as follows: changes to building height policies for properties abutting designated Arterial Mainstreets (Section 3.6.3); the repeal of a proposed policy imposing building height limits for Major Urban Facilities (Section 3.6.7); and changes to some new policies in Section 4.11 that is titled Urban Design and Compatible Development. The majority of the policies of Section 4.11 remain unchanged.

This report recommends that Planning Committee and Council approve the policy changes negotiated by Staff, discussed in this report and shown in Document 1, attached. Once approved by Council the intention is that the City Solicitor bring the changes to LPAT for approval at the earliest possible opportunity.

DISCUSSION

OPA 150 made many policy changes specifically intended to deal with building heights and urban design. Specific policies related to building form were included in the majority of land use designations. For the most part, these policies placed interim height limits, in most urban designations, until such time as secondary plans are completed that may propose more or less restrictive limits. OPA 150 also substantially revised the urban design and compatibility policies (Sections 2.5.1 and 4.11) of the Plan. Many of the changes related to building heights were resolved earlier in 2018 (See Staff report ACS2018-PIE-EDP-0047 that went to Council October 10, 2018) and have now been approved by LPAT.

While the building height policies for different designations were resolved earlier in a staff report (See Staff report ACS2018-PIE-EDP-0047) that went to Council on October 10, 2018. Those changes have been approved by LPAT.

The three Items addressed by this report constitute the body of the substantive changes appealed by GOHBA and BOMA and focus on the following specific policies:

1. Arterial Mainstreets

Item 160 in OPA 150 added a new policy 11 to section 3.6.3 Mainstreets. This is one of two policies in OPA 150 (policies 11 and 12) that updated the building heights for both Arterial and Traditional Mainstreets that were originally together as one policy in the Official Plan. OPA 150 proposed that two separate policies (11 and 12) for these Mainstreet designations. The City and LPAT previously agreed to changes to the new policy 12 that identified Mid-rise building heights (5-9 storeys) on Traditional Mainstreets and taller buildings only where permitted by a Secondary Plan. New policy 11, which is addressed in this report, applies to Arterial Mainstreets only. Staff are proposing that it still and continues to permit Mid-rise buildings (5- 9 storeys) but recognizes that taller buildings may be considered at transit supportive locations subject to a zoning change. A secondary plan is not required. The specific locations include proximity to: rapid transit stations, intersections with other Mainstreets and transit priority routes; or proximity to Major City Facilities. These locations generally coincide with target areas for intensification.

The revised policy still maintains that the Zoning by-law may establish lower building heights where dictated by the site conditions and the character of surrounding development. See Item 160 in Document 1 attached.

2. Major Urban Facilities

Item 179 in OPA 150 added a new policy 13 to Section 3.6.7 Major Urban Facilities. The purpose of the new policy was to set maximum building heights for Major Urban Facilities that are the greater of either: the surrounding building height or Mid-Rise (up to 9 storeys). Major Urban Facilities are typically distinguished by a number of unique characteristics. These facilities usually service the entire city or large parts of it and may even draw from beyond the boundaries of Ottawa and include: Hospitals; Universities and colleges; Major sports, recreational and cultural facilities, Museums and Shopping centres (over 50,000 square metres gross leasable area) and the like. Large numbers of people require convenient access to these facilities which necessitates good road and public transit access. Applications for these uses are few and they often require large areas of land.

The policies of Section 3.6.7 require a change to zoning every time a Major Urban Facility is proposed to ensure sufficient public consultation, the evaluation of design of the facility and review of the studies needed to support the proposal. Staff agree that establishing as-of-right building heights for these uses has little real impact as each application is evaluated on an individual circumstances. Staff are suggesting that the policy is ineffectual and recommend that Council repeal, in its entirety, Item 179 in OPA 150. See Document 1.

3. Urban Design and Compatible Development

Item 285 in OPA 150 retitled and replaced 14 policies in Section 4.11 Urban Design and Compatible Development. Some of the new policies added to Section 4.11, by OPA 150, were relocated from other sections of the Official Plan in order group urban design objectives in one location. The former building height classification were moved from Section 4.11 to Section 2.2.2 by OPA 150 and were subsequently approved by LPAT (see staff report ACS2018-PIE-EDP-0047 that went to Council October 10, 2018).

The revisions proposed as part of the settlement of appeals to Item 285 include the following changes:

- a. **Views and View planes** – this new sub-section deals with the protected views of the Parliament Buildings, particularly when reviewing applications for new high-rise buildings. These policies regarding views of the Parliament already exist for the central area and limit building heights using view planes from the Peace Tower. The purpose of the policies is to recognize that future secondary plans may identify specific views and vistas (related to other prominent buildings or features) that are to be protected when considering future development applications. The modifications Staff are recommending to Item 285 requires proponents of buildings **over** 30-storeys to identify and evaluate skyline impacts. The policy is also modified to be clear that where a view of the Parliament is already impacted by existing development, a proponent must demonstrate that the view will not be further impacted by the proposed new development. See page 2 of Document 1.
- b. **Building Design** – this new sub-section introduced by OPA 150 identifies the elements of the building and site's design that will be evaluated by the City to assess compatibility.

Old policy 6a required that where a property has frontage to more than one road, the main facade of any new building must face the higher-order road, be it an arterial road, collector road, etc. Staff agree that this is not a matter that needs to be regulated in this detail because there may be good reasons why the building would face the lesser road particularly if that is how access is obtained. In most cases the higher order street is a natural choice for building orientation. Staff agrees that the original policy is too prescriptive and that proposed policy 6a be modified to delete the required orientation (see page 3 of Document 1).

Old policy 6b required that building facades, visible from 'public spaces', have windows. Staff agree this provision is too broad and that the policy should be changed to require facades adjacent to 'public spaces' to have windows. This provision is mainly to provide oversight of public space as well as creating a more pleasing building facades.

Old policy 7 in the last sentence of the preamble the word "required" is to be modified so that the City will "encourage" rather than "require" development proposals at gateway intersections of arterial and collector roads to be

designed with strong architectural elements and quality materials and widened landscaped sidewalks to improve the pedestrian environment.

Old policy 8 deals with the design of public spaces around buildings and the design and placement of utilities, loading and servicing facilities at ground level and on roof tops. These aspects of buildings facilities and utilities can impact the attractiveness of the building and the usability of the sidewalk and entrances to buildings. The old policy 8 required that these facilities should not be seen from the street. Staff agree that this is not possible to achieve in most circumstances. Policy 8 has been completely redrafted to emphasize that the City's objective is to maintain an attractive sidewalk environment for pedestrians and there are many ways in which these necessary components of new buildings can be designed to achieve this objective. New policy 9 addresses roof-top equipment and signage and indicates that the location and design these components should be incorporated into the design of the upper floors of the building. See page 4 of Document 1

- c. **High-Rise Buildings** – the former introductions and policies 13 and 14 of OPA 150 been almost completely revised to be consistent with the work, undertaken by staff, in developing the high-rise building design guidelines which were completed after OPA 150 was adopted. The new polices do the following:

New Policy 14 - modifies the original preamble to the High-Rise Building section and describes the benefits that high-rise buildings have in addition to the negative impacts or disruptions that should be avoided through the design of these buildings. These impacts include ground level comfort and safety for public and private spaces around the building, affects on views, proximity to heritage districts or buildings and protection of privacy of occupants of adjacent buildings. See page 6 of Document 1.

New Policy 15 and 16 – identifies the components of a high rise building as a base (sometimes a podium), the middle (tower) and top. OPA 150 established optimum sizes for each tower components and established a separation distance between buildings on the same lot or between buildings on adjoining lots. Since OPA 150 was adopted staff completed the more detailed "Urban Design Guidelines for High-rise Buildings". These guidelines were adopted by Council May 23, 2018 and established different floor plates and separations

distances for High-Rise towers based upon location and building use. See Page 6 of Document 1.

New policies 16 to 18 recognise that, where appropriate, Secondary Plans may, and the Zoning by-law will, provide more detailed standards for High-Rise buildings including separations distances. Policy 18 specifically references the “Urban Design Guidelines for High-rise Buildings”. See page 7 of Document 1”.

- d. Outdoor Amenity Areas** – the plans encourage the provision of private outdoor amenity areas as part of a variety of building forms, not just apartments and requires proponents of new development to consider the impact new construction may have on adjacent private amenity areas. Policy 19 identifies a number of techniques to minimize impacts on the privacy of existing amenity areas is amended to recognize that other techniques, not mentioned in the policy may also be appropriate. See page 7 of Document 1

The balance of Item 285 remains as adopted by Council and approved by the Minister in 2014. The appellants have indicated that with the changes identified above that the appeals of Items 47, 98, 99, 100, 101, 102, 103, 104 and 105 will be withdrawn. Staff recommend that Planning Committee and Council support these changes to the text of OPA 150 and direct the City Solicitor to bring this settlement to the LPAT at the earliest opportunity.

Staff recommend that Planning Committee and Council support these changes to the text of OPA 150 and direct the City Solicitor to bring this settlement to the LPAT at the earliest opportunity.

RURAL IMPLICATIONS

None of these policies directly impact the Rural Area

CONSULTATION

Council directed that the staff meet with the appellants to resolve the appeals. City Staff meet with representatives of GOHBA and BOMA a number of times and the changes recommended in this report constitute the settlement agreed to by those parties.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

Should the modifications be endorsed by Council, they will be presented to the Local Planning Appeal Tribunal on May 22, 2019 for approval by the Tribunal. In the event that one or more modifications are not endorsed by Council, a hearing may be necessary. In order to provide professional planning evidence in such case, it would be necessary to seek to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

These changes have been recommended in order to avoid the necessity of a hearing.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The recommendations of this report will not have any specific impact on people with disabilities.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TECHNOLOGY IMPLICATIONS

There are no technology implications associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following term of Council priorities:

- EP2 – Support growth of local economy
- HC3 – Building Better Revitalized Neighbourhoods

SUPPORTING DOCUMENTATION

Document 1 - Proposed Policy Changes OPA 150 (*distributed separately*)

DISPOSITION

The City Solicitor is directed to take the changes recommended by this report to the Local Planning Appeals Tribunal with the request that the Tribunal approve the policies in Items 160, 179 and 285 of OPA 150 as amended by this report.