

**CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 37 -
TEMPORARY SURFACE PARKING IN THE CENTRAL AREA AND INNER CITY RESIDENTIAL
DISTRICTS**

COMMITTEE RECOMMENDATION AS AMENDED

That Council refuse Amendment No. 37 to the City of Ottawa Official Plan as per the Approval Page attached as Annex 1.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 14 Aug 2000 is immediately attached.
2. The following public correspondences immediately follow the report:
 - Letter from L. Hoad, President, Federation of Citizens' Associations of Ottawa-Carleton dated 26 Sep 2000 and
 - Submission by M. Hartman, Chair, and G. LePage, Executive Director, Bank Street Promenade, dated 25 Sep 2000
3. An Extract of Draft Minute, 26 Sep 2000, follows and includes a record of the vote.
4. An Extract of Minute, 9 May 2000, is also included for point of reference.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 14-99-0022
 Your File/V/Réf.

DATE 14 August 2000

TO/DEST. Co-ordinator
 Planning and Environment Committee

FROM/EXP. Commissioner Planning and Development Approvals Department

SUBJECT/OBJET **CITY OF OTTAWA OFFICIAL PLAN
 AMENDMENT NO. 37 - TEMPORARY SURFACE PARKING
 IN THE CENTRAL AREA AND INNER CITY
 RESIDENTIAL DISTRICTS**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee recommend that Council approve Amendment No. 37 to the City of Ottawa Official Plan as per the Approval Page attached as Annex 1.

BACKGROUND

On 9 May 2000 Planning and Environment Committee considered a staff report recommending approval of City of Ottawa Official Plan Amendment No. 37 dealing with temporary surface parking (see Annex II).

At the meeting the Committee heard several presentations including one from Mr. Ted Fobert representing Capital Parking and Ideal Parking. Mr. Fobert tabled suggested revised wording for the Amendment - the same he had presented to the City of Ottawa's Planning and Economic Development Committee (see Annex III).

The Planning and Environment Committee adopted the following motion:

“That City of Ottawa Local Official Plan Amendment No. 37 and any proposed amendments be referred back to staff for consultation with the City of Ottawa and other interested parties.”

DISCUSSION

Staff contacted the City of Ottawa and forwarded Mr. Fobert's proposed wording. In the letter staff asked for a general sense as to what changes might be acceptable to the City before staff held discussions with other parties.

The City replied that the re-wording as proposed would compromise the intent of the Official Plan. In the City's opinion the Official Plan Amendment achieves the objectives of the earlier study on temporary parking while maintaining a balance between the various interests. The City adds that given the position of those objecting to the Amendment, it does not see any wording which would be acceptable to them while maintaining the integrity of the policy. Given this, staff concluded it would be pointless to enter into negotiations with the objectors.

In the initial report on the Amendment, staff recommended its approval advising that while the Regional Official plan supports the provision of short-term parking in the Central Area, it does not support the provision of more surface parking lots as this works against the strategy of increasing the proportion of work trips that use public transit. Given the evident impasse between the City and the objectors and the fact that staff support the Amendment, staff recommend that Council approve the Amendment which would then provide the objectors with the avenue to appeal to the Ontario Municipal Board. Those who would be notified of Council's decision are listed on the draft "Notice of Decision" letter following Annex I.

CONSULTATION

As directed by Planning and Environment Committee, staff have consulted with the City of Ottawa but, because of the outcome noted above, have not held discussions with the other parties.

FINANCIAL IMPACT

The Amendment by supporting the objective of increasing transit ridership for work trips contributes to the Region's desire to limit the need to build new or widened roads.

Approved by
N. Tunnacliffe, MCIP, RPP

ANNEX I - August 2000

APPROVAL PAGE

CITY OF OTTAWA

OFFICIAL PLAN AMENDMENT NO. 37

I hereby certify that Official Plan Amendment No. 37 to the City of Ottawa Official Plan was approved by the Council of the Regional Municipality of Ottawa-Carleton on day of 2000 under Section 17 (34) of the Planning Act except the following which has been modified:

In PART B - THE AMENDMENT

2.0 Details of the Amendment

Modifications No. 1

Paragraph 2.3.1 is modified in the first line to delete “Policy 1.3.3 h) iii)” and replace it with:

“Policy 1.3.3 i) iii)”

Dated this day of 2000.

Clerk, Regional Municipality of Ottawa-Carleton

DRAFT “NOTICE OF DECISION”

Date:
Regional File: 14-99-0022
Contact: Nigel Brereton

Applicable Planning Act: **Bill 20**

Mr. Pierre Pagé, Clerk
City of Ottawa
111 Sussex Drive
Ottawa Ontario
K1N 5A1

Dear Mr. Pagé

**Re: City of Ottawa Official Plan Amendment No. 37
Temporary Surface Parking in the Central Area and
Inner City Residential Districts**

In accordance with Section 17(35) of the Planning Act, you are hereby notified of the Regional Council’s decision to approve, under authority assigned to Regional Council by the Ministry of Municipal Affairs and Housing, Amendment 37 to the Official Plan of the City of Ottawa.

PURPOSE OF THE AMENDMENT

The purpose of Amendment 37 is to make it clear that temporary use by-laws must conform to the Official Plan and to add policies to discourage temporary surface parking in the various Secondary Policy Plan areas affecting the Central Area, Centretown, Sandy Hill and Lowertown.

INFORMATION

Information on Amendment 37 can be obtained from the Regional Planning and Development Approvals Department at the above-noted address (attention: Nigel Brereton at 560-6058, extension 1233) or the City of Ottawa Planning Department [attention: Charles Lanktree at 244-5300 extension 3859].

NOTICE OF APPEAL

Pursuant to Section 17(36) of the Planning Act, any person or public body may, not later than 4:30 p.m. on (date - 20 days after the giving of notice), appeal the decision by filing a notice of appeal to Amendment 37 with the Regional Planning and Development Approvals Department. Such appeal must identify, in writing, which section(s) is/are being appealed and the reasons for doing so. All appeals must also be accompanied by a cheque in the amount of \$125.00 (to the Minister of Finance, Province of Ontario) to cover the Ontario Municipal Board’s prescribed fee.

If no notice of appeal is received before or on (date - 20 days after giving of notice), the decision of Regional Council is final and Amendment 37 will come into effect on (date - the day after the last day for appeal).

Please note that only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may not be made by an unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or group on its behalf.

Dated dd/mm/yyyy.

Sincerely

Mary Jo Woollam
Clerk

c.c.: City of Ottawa Planning Department
Mr. Ted Fobert
Ms. Linda Hoad
Mr. J. McGuinty
Mr. Glenn Sheskay
Mr. Tony Kue Shahvasesi
Mr. Robert B. Emonds
Mr. Nicholas Patterson

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	(25) 14-99-0022
DATE	27 March 2000
TO/DEST.	Co-ordinator Planning & Environment Committee
FROM/EXP.	Commissioner Planning and Development Approvals Department
SUBJECT/OBJET	CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 37 - TEMPORARY SURFACE PARKING IN THE CENTRAL AREA AND INNER CITY RESIDENTIAL DISTRICTS

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve Amendment No. 37 to the City of Ottawa Official Plan as per the Approval Page attached as Annex I.

BACKGROUND

In 1996 the City of Ottawa initiated a study of temporary surface parking in the Central Area and inner city neighbourhoods with the following objectives:

- to review the parking supply information needed to support the City policy on temporary parking;
- to assess the effectiveness of the policy to implement the direction of the Official Plan concerning temporary parking; and
- to determine the means which should be utilized to clarify Council's position on this issue.

The present policy in the City Official Plan states: "City Council shall discourage the provision of temporary surface parking spaces on vacant sites within the Central Area in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. City Council shall, in determining the use of this policy, take into account specific parking strategies in the Central Area Secondary Policy Plan. Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of

substantial vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of usable open space be provided”.

The City was concerned with a policy in its Official Plan related to temporary use by-laws. This policy states that temporary use by-laws need not conform to the Official Plan. However, the Planning Act in Section 24 (1) states that by-laws must conform to the municipality’s Official Plan, and this includes temporary use by-laws. Further, Section 39 (1) of the Planning Act allows for the passing of a temporary use by-law for a use that is otherwise prohibited by the comprehensive by-law, but does not extend that privilege to allowing a use that is not in conformity with the Official Plan. Therefore, the City determined to amend the Official Plan to bring it into conformity with Sections 24 (1) and 39 (1) of the Planning Act. This would result in more emphasis being placed on the direction of the Official Plan with respect to the adoption of a temporary use by-law.

Some of the Character Areas in the Secondary Policy Plan for the Central Area do not include a parking strategy or any specific direction relative to parking. A policy concerning temporary surface parking has been added to each of the Character Areas.

The Local Architectural Conservation Advisory committee (LACAC) had expressed concern with the potential negative impacts of temporary parking lots within residential neighbourhoods outside the Central Area. In response, City Council approved a motion of the Planning and Economic Development Committee (PEDC)... “that City Council establish temporary surface parking policies to discourage temporary rezonings for surface parking areas on residential land.” To implement this direction, a policy has been included in each of the Secondary Policy Plans and/or Key Principles of neighbourhood Plans within the affected area. The Amendment is attached as Annex II.

PUBLIC COMMENTS

When this Amendment was before the City of Ottawa Planning and Economic Development Committee two parties who spoke expressed concerns (Mr. Ted Fobert, representing Capital and Ideal Parking, and Mr. Nicholas Patterson). As both these parties have subsequently requested the Region to inform them of any meetings or decisions, staff are treating the Amendment as “disputed”, and have decided to bring it to Planning and Environment Committee.

REGIONAL COMMENTS

Staff support the Amendment. The Regional Official Plan supports the provision of short-term parking in the Central Area, but not provision for more surface parking lots, as these primarily cater to long term parking, which encourages the use of the automobile for work trips. The Region’s strategy is to increase the proportion of work trips that use public transit, walking or cycling. A housekeeping modification is needed to correct a reference.

FINANCIAL IMPACT

The Amendment, by supporting the objective of increasing transit ridership for work trips, contributes to the Region's desire to limit the need to build new or widened roads.

*Approved by
N. Tunnacliffe, MCIP, RPP*

APPROVAL PAGE

CITY OF OTTAWA

OFFICIAL PLAN AMENDMENT NO. 37

I hereby certify that Official Plan Amendment No. 37 to the City of Ottawa Official Plan was approved by the Council of the Regional Municipality of Ottawa-Carleton on _____ day of _____ 2000 under Section 17 (34) of the Planning Act except the following which has been modified:

In PART B - THE AMENDMENT

2.0 Details of the Amendment

Modification No. 1

Paragraph 2.3.1 is modified in the first line to delete “Policy 1.3.3 h) iii)” and replace it with:

“Policy 1.3.3 i) iii)”

Dated this _____ day of _____ 2000.

Clerk, Regional Municipality of Ottawa-Carleton

PART B - THE AMENDMENT

1.0 The Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No.37 to the City of Ottawa Official Plan.

2.0 Details of the Amendment

The City of Ottawa Official Plan is hereby amended as follows:

- 2.1 Chapter 5.0 - Central Area contained in Volume I of the City of Ottawa Official Plan, is amended as follows:

- 2.1.1 Policy 5.9.2.2 f) of the Parking and Loading provisions is deleted in its entirety and replaced with a new Policy 5.9.2.2 f) to read as follows:

Temporary Surface Parking

“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage the provision of temporary surface parking spaces on vacant sites within the Central Area in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. City Council shall, in determining the use of this policy, take into account specific parking strategies in the Central Area Secondary Policy Plan. Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided in accordance with Policies 5.6.2 t) and 5.8.2 e) of this chapter and Policy g) below.”

- 2.2 Chapter 13.0 - Implementation and Monitoring contained in Volume I of the City of Ottawa Official Plan, is hereby amended as follows:

- 2.2.1 Policy 13.17.1 a) of the Temporary Use provisions is deleted in its entirety and replaced with a Policy 13.17.1 a) to read as follows:

Temporary Use Provisions

“City Council recognizes that it may be desirable to permit uses for specific temporary periods up to a maximum of three years, which would otherwise not conform to the comprehensive Zoning By-law. Such uses

may be permitted upon individual application and careful consideration by City Council, of the need and appropriateness of a Temporary Use By-law and to ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use.”

- 2.2.2 Policy 13.17.1 b) of the Temporary Use provisions is deleted in its entirety and replaced with a new policy 13.17.1 b) to read as follows:

Extension

“City Council may extend a Temporary Use By-law as set out in the Planning Act upon individual application and careful consideration by City Council, of the need and appropriateness of a Temporary Use By-law and shall ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use and that it does not jeopardize the long-term development intentions for the subject lands/area as specified in the Official Plan.”

- 2.3 Chapter 1.0 - Central Area Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:

- 2.3.1 Policy 1.3.3 h) iii) of the Core Area Character Area is deleted in its entirety and replaced with a new Policy 1.3.3 i)iii) to read as follows:

Temporary Surface Parking

“iii) discourage the provision of temporary surface parking spaces within the Core, and where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.2 Policy 1.5.3 p) of the By Ward Market Character Area is amended by:

- i) deleting the word ‘and’ at the end of subparagraph iv).
- ii) deleting the period at the end of subparagraph v) and replacing it with a semi-colon, followed immediately by the word ‘and’.
- iii) adding the following new policy immediately following Policy 1.5.3 p) v):
 - “vi) discouraging the provision of temporary surface parking spaces within the By Ward Market Character Area and where temporary surface parking is permitted, requiring site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area,”

2.3.3 Policy 1.6.3 h) of the Rideau/Congress Centre Character Area is amended by:

- ii) deleting the word 'and' at the end of subclause i).
- iii) deleting the period at the end of subclause ii) and replacing it with a semi-colon, followed immediately by the word 'and'.
- iv) adding the following new policy immediately after Policy 1.6.3 h)ii):
 - “iii) discouraging the provision of temporary surface parking spaces within the Rideau/Congress Centre Character Area, and where temporary surface parking is permitted, requiring site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.4 Policy 1.7.3 of the Canal Character Area is amended by adding the following new policy immediately after Policy 1.7.3.i):

Temporary Surface Parking

“j) City Council shall discourage the provision of temporary surface parking spaces within the Canal Character Area and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.5 Policy 1.8.3 h) of the Lowertown Character Area is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Lowertown Character Area and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.6 Policy 1.9.3 of the Sandy Hill West Character Area is amended by adding the following new policy immediately after Policy 1.9.3 k):

Temporary Surface Parking

“l) City Council shall discourage the provision of temporary surface parking spaces within the Sandy Hill West Character Area to ensure a pedestrian-oriented residential environment, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.7 Policy 1.10.3 of the Upper Town Character Area is amended by adding the following new policy immediately following Policy 1.10.3 g):

Temporary Surface Parking

“h) City Council shall discourage the provision of temporary surface parking spaces within the Upper Town Character Area to ensure a pedestrian-oriented residential environment, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.8 Policy 1.12.3 j) of the Rideau Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Rideau Theme Street area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.9 Policy 1.13.3 m) of the Sparks Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Sparks Theme Street area, and where temporary surface parking is permitted, shall require site enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.10 Policy 1.14.3 l) of the Bank Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall discourage the provision of temporary surface parking spaces within the Bank Theme Street, and where temporary surface parking is permitted, shall require enhancements in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.4 Chapter 3.0 - Centretown Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:

- 2.4.1 Policy 3.4.7 d) of the Transportation Policies is amended by adding the following as the final sentence of the policy:

“Notwithstanding that City Council can pass Temporary Use By-laws,

City Council shall not permit temporary surface parking spaces on vacant sites within Centretown in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”

2.5 Chapter 5.0 - Sandy Hill Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is hereby amended as follows:

2.5.1 Policy 5.3.3 of the Transportation Policies is amended by adding the following policy immediately after policy 5.3.3 d):

“e) Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage temporary surface parking spaces on vacant sites within Sandy Hill in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”

2.6 Chapter 8.0 - Lowertown West (Key Principles) contained in Volume II of the City of Ottawa Official Plan, is hereby amended by adding the following new policy immediately following Policy 8.3.6:

2.6.1 Policy 8.3.7 - Parking Policies is added as follows:

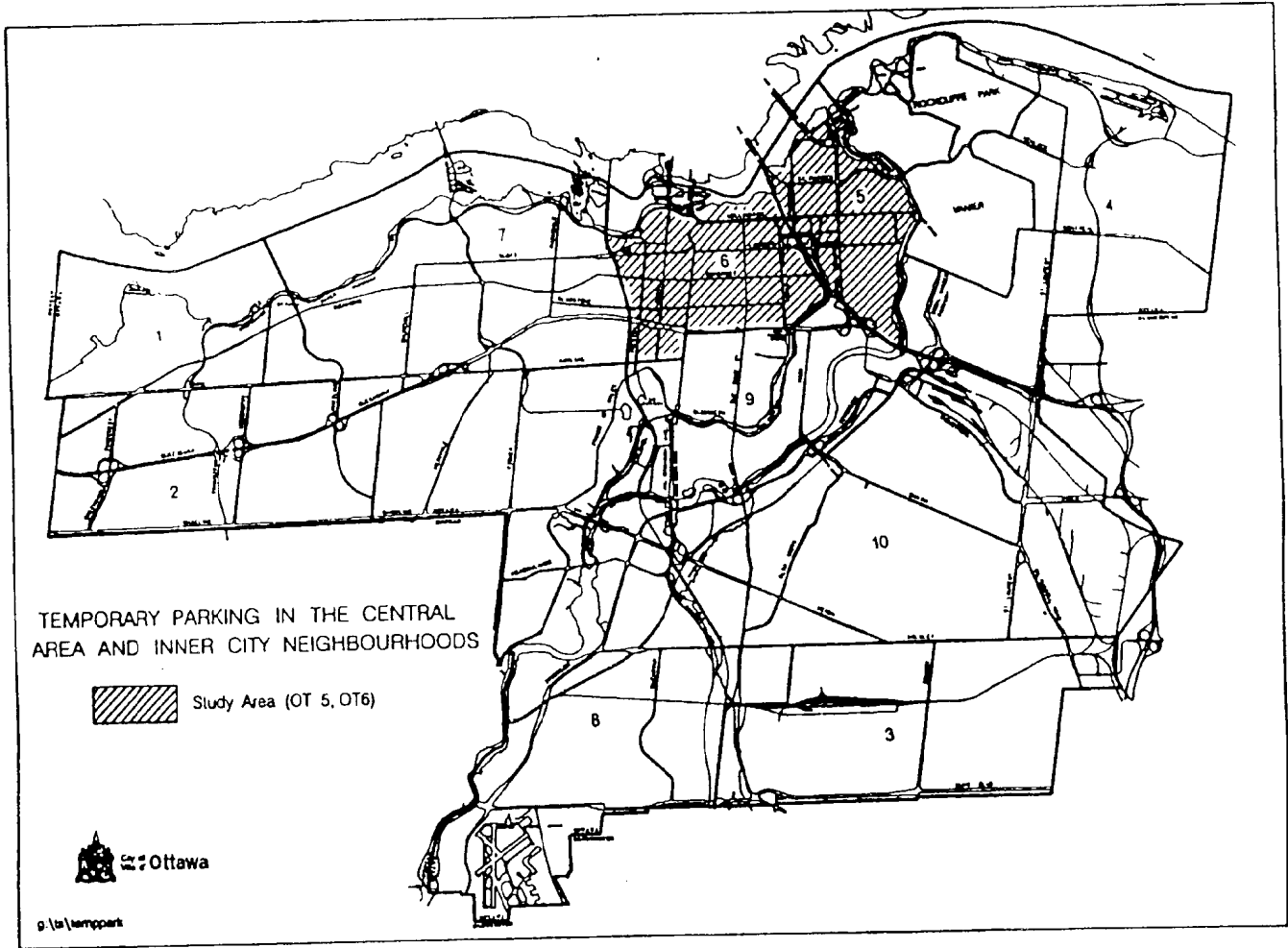
“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage temporary surface parking spaces on vacant sites within Lowertown West in order to support the reduction of carbon emissions and to ensure a pedestrian-oriented residential environment.”

3.0 Implementation and Interpretation

Implementation and interpretation of this amendment shall be made having regard to all Chapters of the City of Ottawa Official Plan.

PART C - THE APPENDIX

The map entitles "Temporary Parking in the Central Area and Inner City Neighbourhoods" attached hereto, constitutes PART "C" - THE APPENDIX and illustrates the area affected by the changes contained in this Amendment.



Planning and Environment Committee Minutes 18
9 May 2000

ANNEX A

Proposed Amendment - Temporary Surface Parking in the Central Area

Planning & Environment Committee Meeting: Tuesday, May 9, 2000

The following wording replaces the wording in Document 3 - Official Plan Amendment, Part B - THE AMENDMENT, Section 2.0 Details of the Amendment.

The proposed change in wording better reflects the intent as described by the Commissioner of Urban Planning and Public Works in his letter, dated March 30, 2000. The shaded text represents the changes to the proposed Official Plan policies.

2.0 Details of the Amendment

The City of Ottawa Official Plan is hereby amended as follows:

2.1 Chapter 5.0 - Central Area contained in Volume I of the City of Ottawa Official Plan, is amended as follows:

2.1.1 Policy 5.9.2.2 f) of the Parking and Loading provisions is deleted in its entirety and replaced with a new Policy 5.9.2.2 f) to read as follows:

Temporary Surface Parking

“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage the provision of temporary surface parking spaces on vacant sites within the Central Area in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site's immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;

- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided in accordance with Policies 5.6.2 u) and 5.8.2 e) of this chapter and Policy g) below.”

2.2 Chapter 13.0 - Implementation and Monitoring contained in Volume I of the City of Ottawa Official Plan, is hereby amended as follows:

2.2.1 Policy 13.17.1 a) of the Temporary Use provisions is deleted in its entirety and replaced with a new Policy 13.17.1 a) to read as follows:

Temporary Use Provisions

“City Council recognizes that it may be desirable to permit uses for specific temporary periods up to a maximum of three years, which would otherwise not conform to the comprehensive Zoning By-law. Such uses may be permitted upon individual application and careful consideration by City Council, of the need and appropriateness of a Temporary Use By-law and to ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use.”

2.2.2 Policy 13.17.1 b) of the Temporary Use provisions is deleted in its entirety and replaced with a new Policy 13.17.1 b) to read as follows:

Extensions

“City Council may extend a Temporary Use By-law as set out in the Planning Act upon individual application and careful consideration by City Council, of the need and

appropriateness of a Temporary Use By-law and shall ensure that the objectives and policy direction of the Official Plan are not adversely affected by the temporary use and that it does not jeopardize the long-term development intentions for the subject lands/area as specified in the Official Plan.”

2.3 Chapter 1.0 - Central Area Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:

2.3.1 Policy 1.3.3 i) iii) of the Core Area Character Area is deleted in its entirety and replaced with a new Policy 1.3.3 i) iii) to read as follows:

Temporary Surface Parking

“iii) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking in the Core Area Character Area and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.2 Policy 1.5.3 p) of the By Ward Market Character Area is amended by:

- i) deleting the word ‘and’ at the end of subparagraph iv).
- ii) deleting the period at the end of subparagraph v) and replacing it with a semi-colon, followed immediately by the word ‘and’.
- iii) adding the following new policy immediately following Policy 1.5.3 p) v)

“vi) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the By Ward Market Character Area and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.3 Policy 1.6.3 h) of the Rideau/Congress Centre Character Area is amended by:

- i) deleting the word ‘and’ at the end of subclause i).
- ii) deleting the period at the end of subclause ii) and replacing it with a semi-colon, followed immediately by the word ‘and’.
- iii) adding the following new policy immediately after Policy 1.6.3 h) ii):

“iii) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the

Central Area when considering requests for temporary surface parking within the Rideau/Congress Centre Character Area and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.4 Policy 1.7.3 of the Canal Character Area is amended by adding the following new policy immediately after Policy 1.7.3 i):

Temporary Surface Parking

“j) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Canal Character Area and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.5 Policy 1.8.3 h) of the Lowertown Character Area is amended by adding the following as the final sentence of the policy:

“However, City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Lowertown Character Area and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.6 Policy 1.9.3 of the Sandy Hill West Character Area is amended by adding the following new policy immediately after Policy 1.9.3 k):

Temporary Surface Parking

“l) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Sandy Hill West Character Area, including particular regard for the desire to ensure a pedestrian-oriented residential environment, and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

- 2.3.7 Policy 1.10.3 of the Upper Town Character Area is amended by adding the following new policy immediately following Policy 1.10.3 g):

Temporary Surface Parking

“h) City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Upper Town Character Area, including particular regard for the desire to ensure a pedestrian-oriented residential environment, and, where temporary surface parking is permitted, shall require that site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.8 Policy 1.12.3 j) of the Rideau Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Rideau Theme Street area, and where temporary surface parking is permitted, shall require site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.9 Policy 1.13.3 m) of the Sparks Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Sparks Theme Street area, and where temporary surface parking is permitted, shall require site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.3.10 Policy 1.14.3 l) of the Bank Street Theme Street is amended by adding the following as the final sentence of the policy:

“However, City Council shall have regard to Policy 5.9.2.2 f) of the Primary Plan for the Central Area when considering requests for temporary surface parking within the Bank Theme Street, and where temporary surface parking is permitted, shall require site enhancements be provided in accordance with Policy 5.9.2.2 f) of the Primary Plan for the Central Area.”

2.4 Chapter 3.0 - Centretown Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is amended as follows:

2.4.1 Policy 3.4.7 d) of the Transportation Policies is amended by adding the following as the

final sentence of the policy:

“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided.”

2.5 Chapter 5.0 - Sandy Hill Secondary Policy Plan contained in Volume II of the City of Ottawa Official Plan, is hereby amended as follows:

2.5.1 Policy 5.3.3 of the Transportation Policies is amended by adding the following new policy immediately after Policy 5.3.3 d):

- “e) “Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
- v) the parking surplus or deficiency in the area, and
- vi) in the case where and existing residential use will be effected, the provisions on S. 3.4 of this Plan.

In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided.”

- 2.6 Chapter 8.0 - Lowertown West (Key Principles) contained in Volume II of the City of Ottawa Official Plan, is hereby amended by adding the following new policy immediately following Policy 8.3.6:

2.6.1 Policy 8.3.7 - Parking Policies is added as follows:

“Notwithstanding that City Council can pass Temporary Use By-laws, City Council shall discourage the provision of temporary surface parking spaces on vacant sites in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The deliberate demolition of buildings that are in good physical form or have been allowed to deteriorate through neglect for the sole purpose of establishment of temporary surface parking, shall be considered unacceptable.

In the case of sites rendered vacant through natural or otherwise uncontrollable causes (e.g., accidental fire, obsolescence, physical deterioration, structural damage, etc.), as well as those which have historically been vacant, Council shall have regard for the following considerations when assessing requests for temporary surface parking:

- i) economic hardship to the owner resulting from the inability to make economic use of the site;
- ii) local market conditions potentially affecting the site’s immediate potential for redevelopment;
- iii) land use context of the site, including existing land uses and recent new development in the area;
- iv) potential impact of a surface parking lot on the streetscape, including impact on the pedestrian environment;
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In considering requests for extensions of permission for temporary surface parking lots, Council shall:

- i) Assess the application based on the above-noted considerations; and,
- ii) Require demonstration by the applicant of marketing efforts.

Where temporary surface parking is permitted, City Council shall ensure that the visual appearance of such parking facilities shall be enhanced and screened through the use of fences, walls and/or vegetation, while ensuring adequate public safety and security; and shall require that an appropriate amount of useable open space be provided.”

Associations of Ottawa-Carleton
FCA • FAC

Fédération des associations civiques d'Ottawa-Carleton

September 26, 2000

Councillor Gord Hunter
Chair, Planning and Environment Committee
Region of Ottawa-Carleton
111 Lisgar Street
Ottawa, Ontario

RE: City of Ottawa Official Plan Amendment No. 37
Temporary Surface Parking

The Federation of Citizens' Associations of Ottawa-Carleton (FCA) urges you to support City of Ottawa Official Plan Amendment No. 37, as recommended by your staff.

The FCA has followed this matter since the study of temporary surface parking was initiated in 1996. Many of our member associations will be affected by the amendment and these associations heartily endorse it. We do not want our inner city communities turned into parking lots.

The most recent update to the Central Area Parking Study indicates that there is an adequate supply of parking in the Central Area. Two recent development proposals approved in the central area (World Exchange Plaza and 280 Queen Street) have agreed to implement Travel Demand Management programs as a result of site plan agreements.

In addition, we note that the consultants who prepared the OC Transpo Comprehensive Review Backgrounder Report (June 1998) state that:

Between 1985 and 1995, daily commercial **parking rates** in the Central Area have **decreased 20%** in real terms and the overall **parking supply has increased 45%**. This has hurt transit ridership to the Central Area and is felt to have contributed 5 to 10% to the overall ridership decline.

Finally, the FCA urges you to approve this amendment because the policies of the City of Ottawa Official Plan and the Official Plan of the Region of Ottawa-Carleton require that you do so.

Yours sincerely,



Linda Hoad
President

Reference Item 3
Planning and Environment Committee
26 September 2000

“The People Place to Shop”

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PROMENADE

(613) 232-6255

TIME SENSITIVE MATERIAL

September 25th, 2000

Councillor Gord Hunter
Regional Council – Planning & Environment Committee
111 Lisgar Street
Ottawa, Ontario
K2P 2L7

Re: *Proposed Official Plan Amendment
Temporary Surface Parking In the Central Area
And Inner City Residential Districts*

Dear Councillor Hunter ,

We would like to thank you for the opportunity to provide our comments and concerns as they relate to the Proposed Official Plan amendment regarding temporary surface parking in the central area and inner city residential districts.

First, the information contained in the report, which was collected in 1996 and 1997, is outdated and therefore inaccurate relative to present day conditions. Specifically, the economic climate reflected in the report speaks of a depressed central core with many vacant sites and a strong inference that there exists a state of dilapidation in our core area.

The foregoing was true to a much greater degree in 1996 and 1997, however **The latest Royal LePage Commercial Office Survey released in the first quarter of 2000 speaks to a completely different reality. In the first quarter of this year, there existed a 5.8 % commercial office vacancy rate in the**

central area, which is the lowest rate since Royal LePage began its' survey's in 1980.

In addition, there is strong residential demand for a variety of dwelling types in the central area. Analysts and developers expect that strong demand in both these sectors will continue for the foreseeable future (**The increased demand in building permit statistics is evident in Attachment 1**). In fact, it is a widely held opinion in the business community that several departments of the federal government are actively pursuing more office space, this demand alone, could result in the erection of a major office tower in downtown Ottawa.

Furthermore, O&Y is presently in the process of erecting a second office tower at the World Exchange Plaza Site. Clearly, with increased demand, there will be increased pressure to provide more parking for office workers as well as for new residents to the area. Especially, since **a considerable number of in-fill developments continue to transpire on former temporary surface lots in order to accommodate increased residential demand such as is evident in the Metropolitan project located on Cooper Street**. While these projects are highly desirable, they do not diminish or negate the necessity to provide an adequate supply of parking in the downtown core. This is especially true since the implementation of **The Downtown Revitalization Action Plan contains such initiatives as the elimination of parking for residential uses in the core and residential above grade commercial. This initiative will undoubtedly exert greater pressure on existing facilities in order to accommodate increased demand.**

In regards to the report's contention that there exists an adequate parking supply in the downtown core and therefore there is no demand for additional spaces, is inaccurate. One would have to seriously question the integrity of the study the department utilized in order to arrive at the above stated conclusion. **For instance the report does not reflect the loss of hundreds of short-term parking spaces at the world exchange plaza in order to accommodate the new tenants.**

With regards to the rationale stated in the report which attempts to make the correlation between discouraging surface parking lots with decreasing automobile usage and consequently encouraging alternative modes of transportation. The foregoing hypothesis is inconsistent with consumer choice, human behavior and industry trends. In fact, the popularity of cars continues to escalate at an unprecedented rate. This is evident as stated in a recent Ottawa Citizen article that appeared in the January 6th, 2000 business section, which read, " that a record 16.9 million new vehicles were sold in the United States in 1999. It would be a reasonable assumption that record numbers of cars have also been sold in Canada during the same period. **In fact, over 72% of Ottawans own and use automobiles. Only 15% of our population use the publicly funded transportation system at a disproportionate cost to taxpayers of \$250,000,000 per year.** The constant injection of tax dollars into our transit system regrettably does not yield a proportionate increase in ridership. We believe it could be argued that our collective investment in transit, yields a diminishing point of return on our investment. Ridership has substantially decreased in the past ten years and still is in a net negative ridership figure relative to 1984 ridership numbers (**In 1984, 87.2 million passenger-journeys were reported. When pro-rated to reflect the current population, ridership should be 110 million passenger-journeys to equal the 1984 ridership levels. By 1998, passenger-journey volumes have fallen to 70.4 million**). To attempt to encourage or boost ridership of our publicly funded transit system at the expense of property owners and to the inconvenience of shoppers, workers and tourists is counterproductive and punitive.

The report also states, that part of the rationale for discouraging the use of automobiles is the reduction of emissions of harmful carbon dioxide. While emissions are unquestionably harmful to our health and the health of the environment, it is however, a fact , that sophisticated emission control systems such as those found in newer model year cars produce minimum emissions. This is especially true when they are compared to those emissions which result from the operation of a common gas powered lawn mower or indeed much of our own OC Transpo bus fleet. Furthermore, in comparison, Toyota has just released

its new Prius, four door, five passenger car . The unique feature of this automobile is a hybrid combustion/ electric engine. The electrical engine does not require to be recharged in a terminal, but is recharged when the car is coasting. **All the major automobile makers will offer hybrid combustion/ electric or fully electric urban type automobiles within the next few years.** The foregoing combined with increased government and industry regulation regarding environmentally friendly vehicles will undoubtedly satisfy the publics' demand for safer, cleaner, automobiles.

We respectfully submit that if City and Regional Council are seriously committed to curtailing carbon dioxide emissions, then perhaps, they should evoke strict rules and regulations governing the corporations automobile fleets such as those which are used by various departments including, maintenance, road operations, snow removal, parking enforcement etc.

In addition, the corporation could also offer their employees financial incentives or monthly transit passes at a reduced cost. Council of the day could also petition the province and in fact the federal government for a tax credit or deduction for individuals who purchase bus passes. The above are just a few examples of positive incentives which do not seek to undermine investment or the viability of commerce in the core area such as the case with the departments recommendations in this matter. The foregoing encourages the use of alternative modes of transportation rather than discouraging business operators/owners, residents, shoppers and tourists from frequenting our central area. To impune the use of the automobile, by imposing further restrictions will not diminish the publics' addiction towards cars, instead, it will only serve to punish those who have in good faith, invested time, energy and money in the central core.

We believe the City should regulate specific design guidelines respecting landscaping and other appropriate buffer zones in order to reduce the negative visual impact of surface lots. However, Council in our opinion should not amend the official plan and implement further restrictions or outright prohibitions of

surface lots. **We believe Council should allow economic conditions and the market forces of supply and demand to regulate the requirement and need for temporary surface parking lots.** Suffice it to say, **the above approach is effective and is evident in the significant reduction in the number of temporary surface parking lots that have transpired over the last 5-7 years (13 in 1984 to 7 in 1999).** These reductions in lots, are commensurate with improved economic conditions and consequently a stronger demand in the commercial and residential sectors. In addition, allowing tandem parking mitigates increased demand for parking spaces by maximizing capacity utilization in existing lots.

The common denominator in this issue is two fold, first; without question City, Regional Councils and Landlords would much rather develop a site to it's highest and best use rather than have it revert to a temporary surface parking lot.

Second, when a Landlord makes application for a temporary surface lot, it is not by choice but due to the economic necessity to do so. When Council grants the application for a surface parking lot it is also not by choice, but in recognition that market conditions provide no other feasible or viable land use which will generate revenue. The fact is that both Council and Developers given a choice, both regard the implementation of a temporary surface parking lot as a less than optimal land use.

One must be cognizant that it is the economic imperatives, cycles and markets which are beyond our individual control dictate many of the choices in our individual and collective lives. The recommendations contained in amendment #37 are examples of the worst kind of social engineering, whereas it seeks to financially penalize individuals who have no control over economic market conditions.

No governing body has the power to legislate positive economic cycles and therefore, it is not fair or equitable, especially as it relates to the proposed

prohibition of surface lots in Centretown that Council impose such financial hardship on landowners who due to circumstances beyond their control have no alternative but to implement a surface parking lot as a transitional use.

Ultimately, these punitive measures in the guise of recommendations will not discourage the publics' consumption or use of the automobile. It will discourage developers from building commercial office space and or residential units. It will discourage shoppers and visitors from frequenting our centre city and since the majority of tourists drive automobiles in order access our city, it will discourage tourism. It will however encourage developers, residents, shoppers and tourists to go else where.

In lieu of the foregoing, we ask that you vote to defeat the recommendations and instead support a common sense approach to this matter, which in our opinion, is that each application for a temporary surface parking lot, be judged and evaluated on it's own specific merits.

History has repeatedly taught us, that in a free market economy, we cannot successfully legislate human behavior nor can we dictate choices.

Should you wish to discuss this matter further, please do not hesitate to call the office at your earliest convenience.

Sincerely,



Mel Hartman
Chairman



Gerry LePage
Executive Director

Building Permit Statistics -Downtown *

May 17 to August 31 , 1999 and 2000

Source: MAP

* As defined for the Downtown Revitalization Summit

2000

Construction Type	No of Permits	Value of Const.
Commercial	100	\$19,364,433
Industrial	0	0
Institutional	2	\$145,000
Mixed/Other	8	\$415,515
Residential	27	\$5,425,950
Total	137	\$25,350,898

Permits with a value equal or greater than \$100,000

Construction Type	No of Permits	Value of Const.
Commercial	39	\$17,180,900
Institutional	1	\$100,000
Mixed/Other	2	\$263,625
Residential	4	\$5,060,000
Total	46	\$22,604,525

1999

Construction Type	No of Permits	Value of Const.
Commercial	74	\$12,878,266
Industrial	2	\$101,500
Institutional	4	\$264,000
Mixed/Other	0	\$0
Residential	26	\$3,656,395
Total	106	\$16,900,161

Permits with a value equal or greater than \$100,000

Construction Type	No of Permits	Value of Const.
Commercial	29	\$11,158,136
Institutional	1	\$200,000
Mixed/Other	0	\$0
Residential	5	\$3,449,520
Total	35	\$14,807,656

% Change 1999/2000

Construction Type	No of Permits %	Value of Const. %
Commercial	35.1	50.4
Industrial	-100.0	-100.0
Institutional	-50.0	-45.1
Mixed/Other	n/a	n/a
Residential	3.8	48.4
Total	29.2	50.0

Permits with a value equal or greater than \$100,000

Construction Type	No of Permits %	Value of Const. %
Commercial	34.5	54.0
Institutional	0.0	-50.0
Mixed/Other	n/a	n/a
Residential	-20.0	46.7
Total	31.4	52.7

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CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 37
- TEMPORARY SURFACE PARKING IN THE CENTRAL AREA
AND INNER CITY RESIDENTIAL DISTRICTS

- Planning and Development Approvals Commissioner's report dated 14 Aug 2000

Nigel Brereton, Senior Project Manager - District 2, Development Approvals Division, Planning and Development Approvals Department, provided the Committee with a brief overview of the staff report.

Charles Lanktree, Planner, City of Ottawa, explained the intent of Local Official Plan Amendment (LOPA) 37 was not to prohibit temporary surface parking lots but that Council be given discretion to consider each application on its own merits. He said LOPA 37 would provide Council with the confidence, that if they were to turn down an application for a temporary zoning for surface parking, they would be in a good position to win a case before the Ontario Municipal Board (OMB) should the by-law be subsequently challenged. Mr. Lanktree said Council began an extensive study of temporary surface parking in 1996, which included consultation with various interest groups. He felt it was important to realize that parking lots zoned for temporary use represented 659 parking spaces in the overall total of 31,579 spaces, or 2% of the overall parking supply in the central area. He said this percentage had decreased by 0.2% since 1995. He believed LOPA 37 spoke to some of the objectives of the Regional Official Plan in terms of trying to promote alternative modes of transportation and an improvement in the pedestrian environment in the central area. He asked the Committee to approve LOPA 37.

Chair Hunter said he had not heard Mr. Lanktree make the case, nor had he seen supporting documentation in LOPA 37, to indicate how discouraging or prohibiting temporary use parking lots would accomplish the objectives of discouraging auto emissions or encouraging a pedestrian-friendly environment. He asked where the supporting studies were that normally would accompany such an amendment. Mr. Lanktree suggested the Region's own Official Plan provided such support. He believed that people who did not have an opportunity to take their cars downtown would be more inclined to take public transit or an alternative mode of transportation.

Chair Hunter noted the number of spaces available in temporary parking lots has fluctuated over the years as parking lots have come into and out of use. He asked if there was any documentation to show that the number of automobiles on the roads has fluctuated accordingly. Mr. Lanktree said there was a 45% increase in the overall parking supply in the central area, between 1985 and 1995. He noted there had only been a 3% increase since 1995, but felt the present parking supply in the central area was more than adequate. To illustrate this, he cited

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the City of Ottawa Planning Committee's recent approval of a 500,000 square foot office complex development by Olympia and York Limited at 300 Queen Street, which had been forgiven from providing 254 parking spaces because of what was considered to be an adequate parking supply in the adjacent area.

Chair Hunter felt his question had not been adequately answered. The Committee then heard from the following public delegations:

Nicholas Patterson expressed concern with how LOPA 37 had been handled by staff at both the City of Ottawa and at the Region. He felt a letter from the City's Commissioner of Urban Planning and Public Works had attempted to allay concerns about the implications of LOPA 37 by misrepresenting its thrust. Secondly, Mr. Patterson felt the prohibition on temporary parking lots in centretown was hidden amongst fine print in the middle of the document, hiding its "draconian" nature. He noted this had also been noticed by various Regional Councillors at the Committee's previous meeting. Thirdly, Mr. Patterson raised a concern with how this item had come to be placed on the current agenda. He said he had been informed that staff, on its own, had decided to put the item back on the agenda in the same form as had been thoroughly rejected unanimously by the Committee at the previous meeting. Mr. Patterson did not believe the City's and Region's taxpayers' interests were being served by staff's reintroduction of material that had been previously rejected.

Peter Marwick, President, Action Sandy Hill. Mr. Marwick said his organization actively discourages temporary surface parking lots. He explained area residents want to see Sandy Hill built up and empty lots infilled. He said residents did not appreciate the ugly surface parking lots, many of which he felt were a detriment to personal safety. Mr. Marwick raised two points to indicate there was a conflict in allowing temporary surface parking lots. He noted the lots were actually against the City Official Plan on two counts; one being that the City Official Plan supports requirements for infill projects where feasible, and secondly, the Official Plan called for the vibrancy of the City, which Mr. Marwick felt did not include ugly parking lots. In terms of pedestrian activity, the speaker said Sandy Hill residents did a considerable amount of walking, which spoke to alternative ways of looking at life. He said residents adopted a "village" approach to their community and wanted this to remain. He added that temporary surface parking lots were not included in this view.

Tony Kue Shahrsebi, a professional engineer, informed the Committee that he was in the parking lot business. He said he owned a number of buildings and parking lots in the city, and he regularly received phone calls from either high tech companies or real estate agents asking for between 50 and 200 parking spaces. He noted that currently, many offices in downtown Ottawa are occupied by the high tech industry. He felt that traffic calming measures instituted

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within the downtown core would serve to frustrate commuters who either lived downtown or out of necessity had to drive to the core to their places of employment.

He reminded the Committee he had appeared at its meeting of 9 May 2000 to ask that the entire amendment be thrown out. He said if the City wanted to attract people to rent its office spaces, especially in today's high tech market, there was a necessity to provide parking spaces. Mr. Shahrsebi said the Region was fortunate to be enjoying its current favourable situation, and emphasized the need to work with, and not discourage industry. He expressed his view that inadequate parking would mean people could not come downtown. He complained about the inefficiency of OC Transpo, which he said was being subsidized with \$400 million worth of taxpayers' money. The speaker noted the high tech engineers would not use transit, noting that 73% of the Region's population use cars. He said these commuters had the same rights as pedestrians and cyclists, but felt the rights of commuters were being superceded by those of the pedestrians and cyclists.

Lois K. Smith stated she had experienced trying to find a parking space in the City centre. She also noted that although bus service along the transitway routes in the interior of the City is fine, off of this corridor, the service is very poor. She emphasized the importance of providing parking spots, however, she pointed out the distinction between temporary surface parking, which is parking lots on a temporary basis and temporary parking versus long-term parking in a given day. She noted what was before the Committee concerned parking lots that exist for a short period of time (subject to renewal). With respect to the surface nature of these lots, she stated a certain amount of caution should be exercised, in that from a pedestrian's point of view, surface parking lots are ugly whereas underground parking lots can be made more decorative.

Ted Fobert, FoTenn Consultants, on behalf of Capital Parking Inc. reiterated his position (as he had stated when the item was before the Committee in May) that the proposed LOPA is inappropriate and should not be approved as drafted. He noted Ottawa City Council and the Committee of Adjustment have acknowledged that from time to time, temporary surface parking lots are appropriate for up to three years and longer where extensions are appropriate or warranted. Temporary surface parking is generally sought to allow the interim use of vacant land, resulting from either fire, obsolete buildings or economic hardship. The decision to permit temporary parking is always based on the merits of the application and the circumstances that surround the property. He felt this to be the most appropriate way to assess requests for temporary surface parking. Mr. Fobert opined the changes proposed in LOPA 37 remove Council's discretion in this regard.

Mr. Fobert stated that no-one wants to see a proliferation of surface parking in the downtown, and in fact, it makes up only 2% of the entire parking supply in the downtown area. He noted

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that many of these surface parking lots have been redeveloped in good economic times. Market forces and economic opportunity are the catalysts to redevelopment of property and temporary parking is merely one option for landowners when they're faced with the costs of caring for a vacant property in times of economic hardship or other financial or economic downturns in the market. Redevelopment is truly the preferred choice for these properties for the landowner.

The speaker noted the existing Official Plan allows the discretion to decide on an individual basis, whether or not temporary parking is appropriate. LOPA 37 proposes to remove from the plan that built-in flexibility. The new policies strongly discourage temporary surface parking in the central area and prohibit it in Centretown. He said in his view, applications for temporary parking will always have to be opposed by staff because they will not conform to the Official Plan. If they are approved by Council, they will be appealed to the OMB and the argument, which is policy-based, will always favour that temporary parking is inappropriate.

Referencing the rewording he had provided at the meeting in May, Mr. Fobert stated this would provide criteria to deal with situations such as economic hardship, market conditions, impact on land, on streetscape, etc. He felt this to be a much more balanced and practical approach, however, the City of Ottawa had rejected this completely. Mr. Fobert suggested that LOPA 37 be rejected and the status quo remain in place. He pointed out the Official Plan for the new City would be drafted in the new year and suggested that would be the time to determine the appropriate policy with respect to this issue.

Douglas B. Kelly, Soloway, Wright, Barristers and Solicitors, appearing as the Co-chair of the Government Affairs Committee, Building Owners and Managers Association (BOMA) and Hugh Gorman, President, BOMA Mr. Gorman advised that BOMA represents about 80% of the commercial property in the Region of Ottawa-Carleton. He said it is BOMA's position that LOPA 37 is flawed for a number of reasons. He explained firstly, it was not the desire of the industry to operate surface parking lots; the highest and best use for these lands is for commercial development. Mr. Gorman stated restricting revenue generation from these lots to recover taxes has the impact of reducing speculative development in the future. Secondly, BOMA felt the proposed LOPA was inconsistent with the City of Ottawa Planning Committee's actions and the Official Plan. Mr. Gorman advised that earlier this month, a member of BOMA had filed for a site plan application to convert temporary surface parking to an office building in the downtown core. The City of Ottawa required the developer to convert the temporary surface parking stalls into permanent below-grade parking. He said this demonstrated that the City obviously believes the elimination of 2% of the temporary surface parking stalls in the downtown core is significant.

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Mr. Gorman went on to say LOPA 37 is inconsistent with the mandate of the City of Ottawa's Revitalization Committee to increase the vibrancy of the downtown core. He said this Amendment would have the opposite effect. As well, the Amendment does not address the need for additional public transit to the core.

In closing, Mr. Gorman pointed out when this matter was last before Committee in May, the recommendation was that it be sent back to the City of Ottawa for consultation with the community. Yet it is now back before this Committee without having held any consultation or making any changes. Mr. Gorman requested that LOPA 37 be rejected by the Committee.

Mr. Kelly expressed support for the comments made by Mr. Fobert. He stated he was in agreement that the best thing would be to reject the amendment.

Councillor Legendre referenced comments made by Mr. Gorman concerning a landowner building on a piece of land previously occupied by a temporary surface parking lot and the City requiring that there be parking underground. The Councillor felt it logical that parking would be required for the people that are going to be in that building. Mr. Gorman advised in this instance the developer had additional density on an adjacent property with interior parking that they felt met the demand for parking. He felt the City was being inconsistent in saying they can eliminate the temporary surface parking on site, but yet when the developer submits a site plan, they indicate that same amount of parking is required and has to be provided below grade.

Mr. Kelly elaborated, noting the property in question was Place de Ville 3 and there was an oversupply of parking available in Place de Ville 1 and 2. He said he believed the City was concerned because they would lose the surface parking and therefore there would not be sufficient parking in that area of Ottawa.

Councillor Legendre then stated he did not understand the relevance of the Mr. Gorman's comments concerning the Amendment being silent on transit. He said he would agree with Mr. Fobert who had stated that in order to get more people to use mass transit, more money will have to be put into it to create a better system. He asked if the delegation would agree with that. Mr. Gorman confirmed he did agree with this. He said BOMA feels there is a requirement to deal with public transit and infrastructure in the downtown core. He said he could not understand the contention that by eliminating the parking, car emissions would be reduced and public transit use would increase. He felt the Amendment was trying to address these larger issues but he did not feel they were addressed appropriately.

Gerry LePage pointed out in the amendment the use of temporary surface parking lots in Centretown is "prohibited", which he stated was decidedly different than "discourage".

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Referencing points raised by Mr. Lanktree concerning the visibility factor of surface parking lots, Mr. LePage countered that abandoned lots were not very attractive. He said if you take away a person's ability to pay the taxes on a piece of land (by not allowing them to have a temporary surface parking lot), the lands revert back to the City, remaining abandoned until they are sold off, with no tax dollars to rehabilitate the land in the interim. Mr. LePage felt that rather than "temporary", a surface parking lot is really transitional, contingent upon certain economic dynamics transpiring that allow it to be elevated to a higher and better use. One of the few things that can be done to generate revenue, is park cars.

The speaker referred to discussions earlier in the meeting about a booming economy, growth, and prosperity, which are all predicated on a free market system. He opined this Amendment is a form of social engineering, not free market. It does not *encourage*, rather it is *discourages*. It is not being positive, it is being punitive. He felt Committee and Council should have a "consistent mindset" in all issues they deal with. Mr. LePage asked that the Committee let common sense dictate and that this amendment be rejected.

Linda Hoad, President, Federation of Citizens' Associations of Ottawa-Carleton (FCA) Ms. Hoad advised the FCA had followed this matter closely since 1996 and stated that extensive consultation took place from 1996 right up until the amendment was adopted by the City of Ottawa.

Ms. Hoad noted in her submission (held on file with the Regional Clerk), she referred to some statistics from the OC Transpo comprehensive review, which she believed to be quite significant. Between 1985 and 1995, daily commercial parking rates in the central area have decreased 20%, and the overall parking supply has increased 45%. They concluded that this hurt transit ridership to the central area by possibly 5 to 10% or has contributed 5 to 10% to the overall transit decline which had taken place.

The speaker noted the Regional Official Plan and the City's Official Plan says that priority should be given to the provision of short term parking over long term commuter parking, however, she pointed out municipalities cannot regulate the operation of parking lots. She said parking lot operators offer specials to encourage long-term commuter parking (the primary market for transit) and not the short term parking businesses need. She felt therefore the amount of long term commuter parking must be limited.

Ms. Hoad advised, since this Amendment was passed, the City of Ottawa had not refused one application for temporary surface parking. She felt the "doom and gloom" the Committee had been hearing about was not real. The amendment does permit staff the flexibility the opposition seems to think is not there. She stressed the central area is a tourist area and felt temporary

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surface parking lots would not show off the nation's capital in a proud way. Ms. Hoad opined many of the operators or landowners were not good corporate citizens and landscape their lots only when forced to do so. In conclusion, Ms. Hoad stated the FCA member associations would be affected by this Amendment (particularly in the secondary policy areas), and stated they did not want their inner city communities turned into parking lots. She asked that the Committee approve the Amendment.

Councillor Stewart noted the delegation had mentioned that not one application had been turned down since this Amendment was approved at the city. She asked how many had been approved. Ms. Hoad said she could not answer this question but she did say she was aware of one application that was approved.

Councillor Stewart noted if surface parking lots downtown are not allowed and people who choose to drive downtown will not come because they cannot park, this in turn will cause a hardship for businesses. She asked the delegation for her comment. Ms. Hoad pointed out the past two updates of the Central Area Parking Study indicate there is no shortage of parking downtown. She noted as well, the amount of on-street parking provided over the past five to ten years (including on some Regional roads), has increased considerably. Temporary surface parking lots are only one part of the picture. Generally, as developments occur parking spaces are provided.

Councillor Legendre asked Mr. Lanktree to elaborate on the application that had recently been granted. Mr. Lanktree advised the City of Ottawa Official Plan states, in terms of temporary use by-laws, that regard does not have to be had for the policies of the Plan. He said this had been used as an argument to disregard some of the policies that speak to discouraging this particular use in the past. Mr. Lanktree stated this particular parking lot is about 170 spaces (one of the largest temporary surface parking lots in the central area) and has been renewed for temporary zoning at least twice.

Councillor Legendre referred to page 64 of the Agenda (amendments suggested by Mr. Fobert) and the list of criteria for allowing temporary surface parking uses. He asked if these would be reasons City of Ottawa staff could accept, on a temporary basis, for allowing surface parking lots. Mr. Lanktree advised the suggested wording was considered by staff and by Council, discussed extensively, and was rejected.

The Councillor stated he could understand the City of Ottawa does not want these in their Official Plan but asked if these were valid reasons. He said he was trying to find out under what possible circumstances would permissions for temporary surface parking lots be granted. Mr. Lanktree replied there could be merit to some of the points. He said obviously parking supply

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in the immediate proximity to the site of the parking lot, would be a consideration. Mr. Lanktree pointed out, however, the City had completed an update of its central area parking supply recently and it was shown that the parking supply is quite healthy, as it was in 1995.

The Committee then considered the staff recommendation.

Moved by J. Legendre

That Planning and Environment Committee recommend that Council approve Amendment No. 37 to the City of Ottawa Official Plan as per the Approval Page attached as Annex 1.

LOST

NAYS: M. Bellemare, B. Hill, G. Hunter, W. Stewart and R. van den Ham....5

YEAS: J. Legendre.....1

This motion having lost, and on the advice of legal staff, Councillor Stewart put forward the following motion.

Moved by W. Stewart

That Planning and Environment Committee recommend that Council refuse Amendment No. 37 to the City of Ottawa Official Plan as per the Approval Page attached as Annex 1.

CARRIED as amended
(J. Legendre dissented)

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CITY OF OTTAWA OFFICIAL PLAN AMENDMENT NO. 37 -
TEMPORARY SURFACE PARKING IN THE CENTRAL AREA
AND INNER CITY RESIDENTIAL DISTRICTS

- *Deferred from Planning and Environment Committee meeting of 25 April 2000*
- Planning and Development Approvals Commissioner's report dated 27 Mar 2000

Nigel Brereton, Senior Project Manager, Development Approvals Division introduced Charles Lanktree, Planner, City of Ottawa. Mr. Brereton then provided an overview of the staff report. In concluding his presentation, Mr. Brereton stated staff were recommending approval of the City of Ottawa Official Plan Amendment without modification (save for the small Modification to correct a typographical error). He noted the Committee was sitting as the Minister in approving this Amendment and the Planning Act states that if the Minister is proposing any modifications to an Official Plan, it may confer with any body or authority having an interest. He said it would be his recommendation that if the Committee sees fit to propose any substantive changes to this Official Plan Amendment, they confer with the City of Ottawa.

Chair Hunter noted that in his presentation, Mr. Brereton said the Regional Official Plan (ROP) encourages walking, cycling and transit trips, and further, that it discourages the use of automobiles for private trips. The Chair said he did not recall the last point being in the ROP. Mr. Brereton explained it was Policy 16 in the Central Area policy of the ROP and it states "to discourage the use of private vehicles for work trips". He said the main thrust of this policy was to discourage vehicles from coming into the central area.

Chair Hunter pointed out the various areas of the OPA state "shall discourage the provision of temporary surface parking...", except in the Centretown Secondary Policy Plan, where it states "shall not permit temporary surface parking...". He asked for an explanation. Mr. Lanktree advised the intent was to try and use exactly the same wording as is found in the Centretown Secondary Plan where it says that new public parking areas shall not be added within that area. He stated this was done in an effort to be consistent in the use of terminology.

Committee Chair Hunter asked if this meant a temporary surface parking lot, existing on a vacant site in Centretown, if this OPA were to pass, could not be renewed. Mr. Lanktree advised that any application for extension of a temporary use by-law would be treated like a new application and so such a temporary surface parking lot would be prohibited under the Official Plan.

Chair Hunter stated this went beyond just discouraging the spread of temporary parking spaces in the Centretown area and would take parking spaces out of circulation. Mr. Lanktree stated

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there are a limited number of temporary parking lots that exist in Centretown, as most of the lots that are there, are there permanently because they have legal non-conforming rights to be there.

Councillor Hume referred to a letter he had in his possession, from E.M. Robinson, Commissioner of Urban Planning and Public Works, City of Ottawa addressed to Mr. Ted Fobert and dated 30 March 2000 (held on file with the Regional Clerk). The Councillor read a portion of the letter and drew particular attention to the following passage, "The policy changes do not constitute a general prohibition on temporary zoning for surface parking. They allow City Council the discretion to approve or refuse this use with the assurance that its decision can withstand a challenge." The Councillor said he did not read the same flexibility in the Amendment as is suggested in Mr. Robinson's letter. He felt in the Amendment, there is very little discretion in what City Council can do as the policy is explicitly to discourage and in the case of the Centretown Area, to prohibit surface parking. He felt the issue should be referred back to the City of Ottawa for clarification, as he felt the interpretation contained in Mr. Robinson's letter was not in step with the Amendment.

Mr. Brereton said in reading the letter, he would agree with the Councillor, as it implied to him there is a greater flexibility in the amendment than he would have anticipated.

Mr. Lanktree stated the operative word in most of the policy is "to discourage" this use and the use of this word is intentionally not to be a prohibition. It gives Council the discretion to decide in any particular case whether it is appropriate or not. The one exception to that is Centretown, which says the use is prohibited. He noted if Council intended that this use would not be allowed in the entire Central area it would have used the word prohibited throughout the Official Plan Amendment.

Responding to further questions from Councillor Hume, Mr. Lanktree stated over the past 15 years, only 3% of the applications for temporary zoning were not approved. He felt this provided some indication of the discretion that Council has in this matter. Further, the word "discourage" in the policy does not bind the Department to recommend refusal in any particular case. With respect to any particular application, staff would have to consider all of the planning information available. They would look at the unique situation with respect to each application and occasionally would recommend referral and occasionally, approval.

Councillor van den Ham indicated he had concerns similar to those of Councillor Hume. The Councillor noted the word "discourage" is used in the Regional Official Plan and for an upper tier document that is an appropriate word. He felt in a local official plan, more specific words should be used. He questioned how the word "discourage" would be applied in a daily manner.

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Mr. Lanktree stated this allows for consideration of the unique situations with respect to any application. He noted that every property is unique and has its own characteristics and a temporary zoning may or may not work on a particular site.

Councillor van den Ham opined the City would go through a similar process without using the word “discourage”. If it were permissible in the area, any applicant wanting a temporary rezoning would have to meet the necessary criteria, provide studies, etc., and this approach would be much more consistent and fair to all applicants. He felt the use of the word “discourage”, would be dependent on the mood of the individual or Council on any given day.

Mr. Lanktree advised that in planning terminology, the term “prohibition” is used to indicate “shall not be allowed”. In other instances, words such as “discourage” are used and this is intended to be a strong word to indicate this use is not being promoted in the Central Area. The speaker explained the City has concerns about alternative modes of transportation and is trying to encourage these in order to reduce the amount of commuting into the central area. This is totally consistent with the Regional Official Plan. He said as well, there are concerns with the pedestrian environment in the Central Area. Mr. Lanktree explained when applicants approach the City indicating they want to make an application, in most cases staff will discourage them from making an application to begin with. If they want to make an application, then it would be considered.

Councillor Holmes indicated she was in support of City’s report. She noted the downtown area has many parking lots, and this is not the type of downtown area she wants to see. She gave an example of a “temporary” lot at the corner of Bay and Laurier that is now in its ninth or tenth year as a temporary parking lot and felt it could be there for another 10 or 12 years before redevelopment occurs.

The Councillor indicated she had received several calls from Sparks Street businesses about this amendment and how it was “taking parking away from them”. She said she explained they had a choice, when a building came down it could either be replaced by a temporary parking lot, in which case the experience has been that it takes a very long time for that lot to be redeveloped or the use of temporary parking lot could be prevented, and development happens much faster. She gave as an example the Ault Dairy land, where the City discouraged them from coming forward for temporary parking and instead the land was sold to a developer and housing was built on the site. Councillor Holmes went on to say that temporary use parking lots are not as good for taxation as a building and they postpone the redevelopment of the land to its best use, which in the Central Area is high density commercial.

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Councillor Holmes noted in Centretown there are many parking lots from Bay to O'Connor running south from Gloucester and that is why the Centretown Secondary Plan says "will not permit" temporary surface parking areas. She said she had been trying for years to get those lots developed into housing, as high density residential in Centretown is necessary to support Bank Street and Elgin Street and the rest of the Central Area. North of Gloucester is a high density commercial zoning and that is the best use for this area. The Councillor offered Winnipeg as an example of a city full of parking lots and noted it has no vitality, no evening/weekend activity and no retail. She emphasized this is not the kind of downtown she wants for Ottawa.

In concluding her remarks Councillor Holmes stated this class of parking lot is an incentive for buildings to come down if they are in poor state. She said this Amendment, provides an opportunity to say what we want in our downtown is buildings to their maximum usage that the zoning will allow. She expressed the hope the Committee would not agree to what she understood was going to be a proposed amendment from Fotenn Consultants, which will encourage temporary surface parking lots.

Tony Kue, owner of Capital Parking advised he was a professional engineer in the parking lot business. He said the report produced by the City was based on environmental factors, however, he noted emissions from cars have improved substantially in the past 35 years, and he felt in the next five to ten years, most of the cars will be electrical and the emissions will be zero.

Mr. Kue noted there are a lot of high tech firms that want to move downtown but cannot because there is no parking available and so instead they are moving to Kanata or Nepean or elsewhere. He said 73% of the population uses cars and the rest use alternative methods such as walking, bicycling and transit.

Mr. Kue referred to a comment made by staff at the City that they are only in short term parking. However, he pointed out the City of Ottawa manages a garage at Dalhousie and Clarence, that has 450 parking spaces and from that they sell 390 monthly passes, which translates into long term parking. He said the parking industry services both short term and long term parking. They get busy two or three times a year: during Winterlude, the Tulip Festival and Canada Day. The remainder of the time, business is normal and does not fluctuate very much.

Mr. Kue felt Regional government was wearing two hats. On the one hand, it wants to dictate the policies contained in this Amendment and at the same time Regional Government runs OC Transpo, which is subsidized \$400 million per year by the taxpayers.

The speaker went on to say that no business person "in his right mind" would demolish a good standing building, to turn it into a parking lot to collect five or six dollars per car a day. He said

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he owns a building that has been empty for three years which he is unable to rent because it contains asbestos. He pointed out he must still pay property tax, mortgage and maintenance expenses. Mr. Kue went on to relate a story concerning a parking lot at the corner of Bank and Laurier. He said five years ago the owner called him and asked him to give him \$1 in rent and pay his taxes. His taxes were \$300,000 per year! The same property in Toronto pays \$32,000 tax. He felt this to be absurd.

In conclusion, Mr. Kue said if the City of Ottawa is to grow, there has to be a proper plan for the City looking 25 years to the future. He felt a proper transportation system was necessary, namely, a subway system from Kanata to Orleans and another north/south line from Gatineau to the Airport. That is the only way the city and Region will grow. He asked that the entire amendment be thrown out.

Ted Fobert - Fotenn Consultants advised he represented Capital Parking and Ideal Parking and was before the Committee because they had concerns with the thrust of the Amendment. He felt it was important to recognize that both City Council and the Committee of Adjustment have acknowledged that in some instances temporary surface parking lots are appropriate for up to three years and longer where extensions are appropriate. A temporary surface parking is generally sought to allow the interim use of vacant land, resulting from the loss of a building through fire, obsolescence or other economic hardship. The decision to permit temporary parking is based on the merits of the application and the circumstances of the property in question. He said this was the most appropriate way to assess requests for temporary surface parking; looking to the Official Plan for guidance, yet allowing room for judgement based on circumstance. He felt the changes in the report, removed this discretion.

Mr. Fobert went on to say Councillor Hume had captured it very well, when he said that a staff member reviewing the policy if approved, would have no recourse other than to recommend a temporary parking use is inappropriate regardless of the circumstance. He said notwithstanding the staff recommendation that it is inappropriate, if it were appealed to the Ontario Municipal Board (OMB), the appellant would win on the basis of the policy, which is the primary focus of any OMB hearing.

The speaker stated no one wants a proliferation of surface parking lots in the downtown and he did not feel this was happening. At present there are only 12 temporary surface parking lots downtown and that represents about 2.2% of the total parking in the downtown. He pointed out the economic climate in Ottawa has improved over the last few years and as a result, a number of surface parking lots have been redeveloped. He said over 1,000 parking spaces have been redeveloped in the last couple of years.

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Mr. Fobert noted the policy was put forward on the basis of environmental concerns about carbon emissions. He said if this was truly the interest of Regional Council, then he felt the policy should restrict all parking in the downtown. As well he noted that the statement that surface parking is for long term only is not accurate. He noted several retailers have indicated that surface parking lots are very important to their business.

Mr. Fobert expressed his concern that the staff recommendation was narrowly focused. He felt it should be based on policies that provide some discretion. He drew the Committee's attention to the amendment he was proposing (attached as Annex A to these Minutes). He felt his amendments established wording that would allow an application to be considered on its merits and sets out the criteria upon which it should be judged. The criteria includes such things as economic hardship to the owner resulting in the inability to make economic use of the site, local market conditions potentially affecting the sites potential for redevelopment, the impact of surface parking on the streetscape and the parking surplus or deficiency in the area. And it refers back to another policy in the residential chapter which deals with compatibility in those situations. Mr. Fobert advised when this item was before City of Ottawa Planning Committee, Councillor Ron Kolbus asked Mr. Robinson, if this policy were approved, how would the department respond. Mr. Robinson advised the Department would respond on the merits of the application and would use certain criteria upon which to judge that. After the meeting, in talking with Councillor Kolbus, Mr. Fobert indicated that in his view that is not what the policy was saying. Councillor Kolbus asked Mr. Fobert to prepare a motion for Council (the motion before Committee). The motion went to Council but was not approved because it was considered too much, too late (as it only got to them on the floor of Council).

Referencing the letter from Mr. Ted Robinson, referred to earlier by Councillor Hume, Mr. Fobert said he believed the intent of the Commissioner is to deal with applications on their merit and he felt the amendment he proposed was more appropriate to that situation.

Councillor Hume asked, in Mr. Fobert's professional opinion, if he were to review an application for surface parking, guided by the Official Plan but without the benefit of Mr. Robinson's letter, what would Mr. Fobert's recommendation be. Mr. Fobert stated clearly the thrust of the Official Plan is to discourage temporary parking in the downtown area and all applications for temporary surface parking would have to be viewed as inappropriate.

Responding to questions posed by Councillor Legendre, Mr. Fobert stated he believed the wording of the amendment would make a difference. He noted Official Plans are approved by the Minister and so if an application for temporary zoning were appealed to the OMB, the OMB chair considers the policies of the municipality as being the direction upon which they will

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make the judgement. He said if the policies are changed as he recommended, those are the policies that will be before them.

Councillor Legendre referred to the first page, 2nd paragraph of Mr. Fobert's proposed amendment and asked what was meant by "obsolescence". Mr. Fobert explained this referred to a situation where a building in the downtown core that is no longer marketable. For example, it may not have the appropriate space requirements to attract business and the owner does not have the economic where-with-all to bring it up to a standard that is going to make it rentable. Mr. Fobert agreed that the Daly Building could be judged as an example of a building that was obsolete.

Councillor Legendre noted Mr. Fobert stated that in terms of the total parking currently being provided the part provided by temporary surface parking is only 2.2% of the total. He asked that staff confirm this. Mr. Lanktree confirmed that temporary parking spaces represent 2.2% of the overall parking supply in the Central Area. However, most of these spaces are very visible, and some are located right on the transitway. He said while the bulk of the public parking supply in the central area is located in structures, these are not as visible and do not impact directly on the pedestrian environment.

Councillor Legendre pointed out LOPA 37 contains wording to ensure the visual appearance of these parking facilities will be enhanced and screened through the use of fences, walls and or vegetation, while ensuring adequate public safety and security. The Councillor stated it appears the City already has measures in place to address the visibility problem. Mr. Lanktree advised this policy is intended to deal with situations where temporary zoning is permitted for surface parking and these provisions are adequate in such situations. However, he stated the essence of the amendment is to deal with the causal issue and that is allowing temporary surface parking in the first place.

Robert Edmonds, Vice-President, Action Sandy Hill (ASH) reminded Committee ASH has long opposed the proliferation of temporary surface parking lots in this inner city area. This opposition is based largely on the fact they are incompatible with the Official Plans of the City and the Region, which emphasize the desirability of maintaining the central core as a principle retail sector of the Region. Consistent with this principle, he said ASH has always supported the idea of having a continuous flow of viable retail and other public establishments along the main downtown arteries, such as Rideau Street.

Mr. Edmonds stated ASH was in support of Amendment 37 partly because the unfilled gaps left by unplanned surface parking lots ruin the appearance of a street. He said they would

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prefer an outright ban on temporary surface parking in the downtown area, than an amendment that merely discourages their existence, but were willing to accept this.

The speaker reminded Committee that during the course of the RMOC public consultation on property tax policy held on July 29, 1998, he made a proposal on behalf of ASH that a two tier property tax system be instituted under which land and buildings would be taxed separately. A relatively high tax would be applicable to land and a somewhat lower tax than at present applicable to buildings. Mr. Edmonds noted this system has been operating successfully for a number of years in Pittsburgh, Pennsylvania and he felt such a two tier tax system would result in increased tax revenues for the Region and offer a solution to the serious problem of unplanned parking lots in the City's core. Mr. Edmonds noted that although a motion to this effect, put forward to Regional Council by Councillors Meilleur and Holmes failed, he expressed the hope that it would one day be revived.

In his closing remarks, Mr. Edmonds read a statement made by Councillor Diane Holmes on November 16, 1998 in response to the City of Ottawa's central area zoning review. On temporary use parking lots, she said the following "The large number of temporary surface parking lots that the City of Ottawa has permitted within the Central Area has had negative transportation, environmental and urban design impacts. In general, they are being occupied by commuter parking and further undermine the Region's Official Plan policies to discourage private car use to and from the Central Area. Ottawa-Carleton must take a stronger position against these temporary lots." Mr. Edmonds urged the Committee to adopt Amendment 37.

Gerry Lepage, stated tongue in cheek, that he felt this amendment "was the best idea since sliced bread" but only if the Region could find a way to legislate economic cycles and make them always positive growth cycles. He went on to say this was the worst example of social engineering possible because what it does is seeks to punish individuals who have absolutely no control over market conditions. He explained a building has a life cycle and when it becomes obsolescent, this policy is saying that in Centretown the owner will not even be able to build a surface parking lot to pay the taxes. He felt this to be absolutely absurd.

Mr. Lepage pointed out the City, the Region and developers have a common bond in that none of them want to see these parcels of land used as temporary surface parking lot. He said all three would rather have it used for its highest and best use. However, temporary surface parking lots are a transitional use because economic imperatives dictate that use.

The speaker offered this amendment would not discourage people from using the automobile (72% of Ottawa residents own automobiles), nor would it discourage emissions (technology is taking care of that aspect). He also noted surface parking lots are being reduced as a result of

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healthy market conditions and have gone from 13 in 1984 to 7 in 1999. He felt it would be better for the City and Region to focus their efforts on improving the economy rather than diminishing the viability of the Central Area, which he said this Amendment would encourage. It will merely discourage people from using the central area, discourage developers from building in the central area (both commercial and residential) and encourage them to go elsewhere. He urged the Committee, if they wished to make Ottawa a vibrant, vital capital city, to defeat this Amendment.

Doug Kelly, Nancy Meloche and Hugh Gorman representing the Building Owners and Managers Association (BOMA) Mr. Kelly began by stating it was clear from reading the Amendment and Mr. Robinson's letter, they are really two different things. He explained if an appeal of a temporary surface parking lot were before the OMB, the document that will be given weight is the Official Plan Amendment and it is certainly not the same as what the intent of Ottawa staff appears to be (as set out in Mr. Robinson's letter). Mr. Kelly felt the Amendment should better reflect this intent.

Mr. Gorman, stated he took exception to Councillor Holmes' earlier comments about developers either demolishing buildings or taking obsolescent buildings and turning them into a business of temporary surface parking lots. Speaking on behalf of all the developers in the downtown core, he said the last thing they want to see is a temporary parking lot on a development site. He advised high density commercial development is the best use and preferred option but unfortunately, as economic conditions prevail, it is not viable. He also did not agree that temporary surface parking lots discourage development in the downtown core.

Mr. Gorman went on to say this issue together with the appeal by the Region of the City of Ottawa's approval of tandem parking in the downtown core, is just another incremental step at reducing parking downtown and he opined this would have a significant impact on development in the core. He explained part of the change in the market place, is seeing vacancy rates come down partly because the technology community (who are limited for development in the suburbs) are starting to come back to the downtown core. These people do not take the bus and they will not take the bus until such time as public transit becomes more convenient than driving their cars. He said BOMA was not discouraging the community's cry for additional infrastructure for suburban development but he felt there should be a balanced approach. Mr. Gorman said until such time as the Region is in a position to dedicate capital dollars for public transit to make it more efficient, it should not be spending more money on capital infrastructure in the suburbs. If the market is to continue to get stronger in the downtown core, it is necessary for the high technology companies to come down to the core and lease space to eat up that vacancy.

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In concluding his remarks, Mr. Gorman stated the whole philosophy behind the Amendment is absolutely flawed and BOMA did not support it. He noted Councillor Hume had indicated his intent to refer this matter back to Planning staff and it would be BOMA's recommendation that this go back to the City's planning department for review. BOMA would like the issues, tandem parking and temporary surface parking consolidated. He strongly encouraged the Committee not to support LOPA 37.

Ms. Meloche added that BOMA would like to be part of the process of reevaluation. She said it is BOMA's position that each new application should be considered and evaluated against certain tests and BOMA would like to be involved in developing those tests and any enhancements to the amendment.

Mr. Kelly noted that Chair Hunter had questioned staff with respect to the Regional Plan discouraging the use of private automobiles coming into the downtown core. He said the problem is that parking must be provided in order to get tenants downtown. By way of example, Mr. Kelly referred to the World Exchange Plaza who could not get tenants unless they had parking available. He said it was a vicious cycle, trying to get people to take transit while trying to limit parking around transitway stations. In order to get the tenants, it is necessary to have the parking that will bring people into the buildings near the Transitway and then, with improved infrastructure in the Transitway system, ridership will increase. He said if parking is not provided, these people would simply build in business parks that are not near transit.

Committee Chair Hunter stated in the suburbs, it is expected that when a developer develops a property for an office building or commercial use that they will provide parking on their site. He said it was his understanding that the City of Ottawa has allowed a number of re-developments of properties where instead of requiring the developer to provide the parking on site, the developer pays cash-in-lieu, that is then deposited into a reserve fund. He asked if this was an issue for BOMA.

Mr. Gorman advised the parking issue cannot be dealt with in isolation of the public transit issue. He said there has to be a responsible approach to the dollars allocated to capital for public transit. If the transit system were more efficient, there would likely not be as many cars downtown and then perhaps, cash-in-lieu of parking would be a reasonable alternative.

Councillor Munter stated he was delighted to hear BOMA's support for investments in public transit as he had not heard that before from BOMA. He said there are those in the development industry that would like the Region to spend less on transit and he hoped when they force the debate, BOMA would be back to make the case for the kinds of investments they had suggested were needed for the transit system. Mr. Gorman said certainly, as long as

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the approach is balanced. He said part of that is looking at the existing infrastructure and whether it is utilized or under-utilized.

Ms. Meloche related a point that was raised the previous week in a meeting with a number of high tech firms. She noted in particular Kanata Research Park had said, until the transit system becomes more efficient and offers good peak service to their employees, in areas like Kanata, they will not get their employees onto the buses.

Councillor Legendre referred to a site in downtown Ottawa at the corner of Rideau and King Edward that was empty for many years. He said there is now a building on it that houses the LCBO. He indicated he was happy to see something go on the lot but was disappointed that the building is only one floor, as he felt a building of 6 to 10 stories, was what "this piece of land deserved". The Councillor said in view of the booming economy in Ottawa-Carleton and the record low vacancy rate, he asked why more significant structures were not being built in downtown Ottawa.

Mr. Gorman said, although vacancy rates are low and all the signs are good, Ottawa is not yet in a position where market rents have reached economic rents and development is therefore based on current market conditions. As a result, you see things such as the specific site, being rezoned to a retail use to accommodate whatever makes the development economically viable, which in this instance is a one story retail concept. Mr. Gorman said developers/landowners are trying to drive whatever revenue they can out of these vacant sites so that when the market is there, there can be responsible development on the sites. Mr. Kelly added you cannot achieve the rents from a tenant that would pay for the cost of construction of a new building. Mr. Gorman noted as well, there is a lag in the market place. In this past quarter there has been the lowest vacancy rate seen in a number of years. However, that is only a quarter; the whole market has to be corrected and people have to have the confidence that the rents are going to stay there and so it is a function of time.

Councillor Legendre explained the point he was trying to make. The particular lot he was referring to lay fallow for about 20 years and whether or not temporary surface parking is discouraged or encouraged, matters not at all. Mr. Gorman said temporary surface parking allows responsible developers to at least maintain the property long enough until the cycle comes around to develop the site .

Councillor van den Ham asked Mr. Kelly if in his opinion, a person being totally discouraged about going the route of a zoning for a temporary surface parking lot, would he not have the option of applying for a permanent zoning for surface parking. Mr. Kelly responded that one could always apply for a permanent zoning but the Official Plan might have to be amended and

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could be a much more onerous route. Mr. Kelly went on to say the intent of the legislation is to allow it as an interim use or a temporary use, because the highest and best use is a commercial development of high density office/retail. He noted a number of years ago the Province amended the Planning Act to allow for temporary use by-laws so that they be clearly of a temporary nature and the highest and best use was permanent development. He felt it was appropriate the way the Ottawa Official Plan allowed some temporary uses in the downtown core for parking lots.

Nicholas Patterson, referencing a question posed by Councillor Legendre with respect to why there was no development on a prime site in downtown Ottawa, stated the reason for this is because Ottawa has the second highest taxes in the entire country and probably the entire continent. He said if you have the highest taxes that means the rent must reflect these high taxes.

Mr. Patterson stated there were two reasons why this Amendment should be thrown out. He explained the first reason was a matter of integrity. He felt it was a bit of a trickery on staff's part and certainly at the City of Ottawa level, that the prohibition of surface parking spaces on vacant sites in Centretown was buried in the fine print of the staff report. He said had he not brought it to the attention of all of the Councillors at the City and Region, they would not have noticed this. Mr. Patterson stated the second reason for refusing this Amendment is that it is a "hair brained scheme" that does not respect fundamental economics. The City of Ottawa has passed this Amendment reducing downtown parking, which is already extremely highly restricted, and completely ignoring the growth in downtown demand. He referred to comments from various presenters who had said that high tech firms want to move downtown but they cannot find parking and therefore they are not moving downtown.

In conclusion, Mr. Patterson stated it was "time to call a truce in this nonsensical two decade old war against cars by City and Regional, bureaucrats and politicians".

Brian Karam, President, Elgin Area Property Owners Association indicated his Association did not support Amendment 37 because they view this as "a long term statement for what is a short term issue". He said in looking at Sparks Street and Rideau Street, it is evident that forcing out cars results in a very permanent situation that cannot be reversed. He felt the Committee should look five years into the future rather than five or ten years into the past. He said with such things as telecommuting and suburban offices, the types of problems being experienced today and for the last five years will not exist five years from now. He explained these points by saying that because the labour market is "calling the shots" and employees do not want to work downtown and face the traffic and parking problems, businesses will not be locating downtown. As well, a product called air fibre will be available in the very near future from Nortel that will permit teleconferencing. It can be hooked up quickly and will be very cost effective.

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Mr. Karam concluded by saying approval of this Amendment would result in a statement that could last 25 years, when this issue will likely resolve itself in the next three to five years. He said if the parking is strangled off right now, it will have permanent and negative economic results, much like what has occurred on Sparks Street and Rideau Street that will not be reversible.

Having heard from all delegations, the matter returned to Committee.

Councillor Hume noted the Committee had heard much about what this amendment does and does not do and he said he felt there was a considerable difference between what City staff believes this says and what he interpreted the amendment to say. He indicated he was prepared to move the amendments put forward by Mr. Fobert and that LOPA 37 be amended by these.

However, he said he realized this was a City of Ottawa Official Plan Amendment and they needed to look at the amendments and consult with BOMA and other interested parties and then the matter could be brought back to the Planning and Environment Committee. In this regard, the Councillor stated he would be moving that City of Ottawa LOPA 37 and any proposed amendments be referred back to staff for consultation with the City of Ottawa and other interested parties and then to come back to Committee with another report.

Mr. Tunnacliffe said if this was the will of the Committee staff would carry it out. However, he said he understood Mr. Lanktree to say that the amendment proposed by Mr. Fobert had in fact been considered by the City and rejected.

Councillor Hume stated he was prepared to amend the Official Plan Amendment to include the amendments proposed by Mr. Fobert, however, he said he felt it was best before such action is taken, that the matter be referred back to the City. The Councillor noted the amendments proposed by Mr. Fobert reflect the intent set out in Mr. Robinson's letter. He said he thought it was only right and fair that the matter be sent back to the City and they be advised that the Region is considering adopting these amendments and then find out what their position is. That position can then be brought back to Planning and Environment Committee for consideration.

Councillor Munter stated what struck him was that everybody professes support for the same goal. He said he felt there was agreement that the more residential and commercial development in the downtown, the better and that putting buildings where parking lots used to be is a good thing. He noted that somebody mentioned the Region has a dual role as a regulator and subsidizer of OC Transpo. In fact the Region has a triple role, in that it is also the subsidizer, builder and maintainer of the road system. The Councillor said it is in the Region's interest to try to encourage, as much as possible, the use of transit and the development of the

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downtown. The Region has tried to do just that with such measures as eliminating residential development charges completely in the downtown core.

Councillor Munter stated he saw this Amendment, adopted by the City of Ottawa, as one of a series of reasonable measures to try to promote the development of a vibrant downtown. He did not see any justification for refusing this Amendment and felt the City had mediated between a variety of interests to reach a compromise position. Councillor Munter indicated he would be supporting the staff recommendation and not the amendments proposed by Councillor Hume.

Councillor van den Ham indicated he would not be supporting the staff recommendation primarily because he had concerns about the use of the word “discourage”, as he felt this provided too large of a gray area. He said although this word is used in the Regional Official Plan, he would have expected the City of Ottawa would have been more specific. The Councillor said he agreed that the interpretation of the Amendment contained in Mr. Robinson’s letter was much different from the Amendment and indicated he would support the attempt to refine this.

On the issue of parking spaces downtown generally, Councillor van den Ham stated he supported the notion of temporary zoning by-laws for surface parking lots. However, he said he also agreed to a certain extent, that there should not be a proliferation of surface parking lots throughout the downtown area. If the City of Ottawa and the Region want to control this to some extent, then the Amendment should be much more specific.

Councillor van den Ham stated if the intent was to move all of the amendments proposed by Mr. Fobert, he had a problem with this, in that three pages of rules would be turned into ten pages. He expressed the hope that the proposed amendments could be refined to some extent.

Committee Chair Hunter indicated normally he was loathe to interfere with local official plan amendments as it is the local municipality’s “turf” and they have worked on it, held the public hearings, etc. However, he said in this instance what the City of Ottawa is proposing to do could have some effect (if not a profound effect) on the habits, lives and working conditions of the people he represents. For this reason, Chair Hunter stated he felt he had some right and propriety to take a closer look at this Amendment.

The Chair noted that in both the LOPA and the amendments proposed by Councillor Hume, there is the phrase to discourage or prohibit parking in order to support the reduction of carbon emissions and to ensure a vibrant pedestrian environment. The Chair said he had seen no documentation which suggests there is any link between prohibiting temporary surface parking lots and the reduction of carbon emissions. He felt that one could just as easily argue that

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emissions would be increased as frustrated motorists come into the downtown area and have to drive around searching for a parking space. As well, he said he could not understand how an activity on a lot on private property would one way or another affect the pedestrian environment. For these reasons, Chair Hunter felt the amendment should either go back to the City for reworking or be turned down entirely. He indicated he was in support of the motions put forward by Councillor Hume.

Councillor Legendre indicated he was supportive of the intent to refer this matter back to the City of Ottawa, however, he felt that clarification with regard to their intent should not only come from City staff but also City Council. He asked if this was Councillor Hume's intent. Councillor Hume said he believed City staff would have to go back to City Council and get direction on this.

Councillor Legendre indicated he was fully supportive of the motions.

Moved by P. Hume

That City of Ottawa Local Official Plan Amendment No. 37 be amended by the wording proposed by Ted Fobert, FoTenn Consultants (Attached as Annex A).

TABLED

Moved by P. Hume

That City of Ottawa Local Official Plan Amendment No. 37 and any proposed amendments be referred back to staff for consultation with the City of Ottawa and other interested parties.

CARRIED as amended