

**6. ONTARIO MUNICIPAL BOARD APPEAL RE:
TANDEM PARKING IN THE CENTRAL AREA**

COMMITTEE RECOMMENDATION AS AMENDED

No Committee Recommendation.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 3 Sept 99 is immediately attached.
2. An Extract of Draft Minute, 14 Sept 99, follows the report and includes a record of the vote.

Our File/N/Réf.
 Your File/V/Réf.

DATE 3 September 1999

TO/DEST. Co-ordinator, Planning and Environment Committee

FROM/EXP. Commissioner, Planning and Development Approvals

SUBJECT/OBJET **ONTARIO MUNICIPAL BOARD APPEAL RE TANDEM
 PARKING IN THE CENTRAL AREA**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee approve that Regional staff appear at the Ontario Municipal Board in opposition to permitting tandem parking in the Central Area.

BACKGROUND

On 25 June 99 the City of Ottawa Committee of Adjustment refused an application from OMERS Realty to permit valet (tandem) parking on level P3 of the Constitution Square office complex (350, 360 Albert Street) and to vary the required width of parking aisles and the required width and length of parking spaces. The proposed variance would have resulted in 80 additional parking spaces in the garage. OMERS Realty appealed the refusal to the Ontario Municipal Board.

DISCUSSION

The issue of permitting tandem parking has already arisen in the work done by the City of Ottawa on a new comprehensive zoning by-law for the Central Area. Regional Planning staff have sent comments to City Planning staff on the new by-law, indicating that permitting tandem parking would result in an increase in parking spaces which would be contrary to both the City and Regional Official Plans.

The Regional Official Plan's policies for the Central Area include:

Work with the City of Ottawa to support the provision of moderately-priced, short-term parking to serve the retail and commercial sectors and limit the provision of long-term parking to discourage the use of private vehicles for work trips.

In order to support transit, the Plan also says that Council shall:

Require area municipalities to review and amend, where appropriate, parking requirements in zoning by-laws to a level which supports transit through:

- a) reduced parking requirements for developments in the vicinity of rapid transit stations;
- b) imposition of maximum parking space provisions for developments in the vicinity of rapid transit stations.

The entire Central Area, particularly west of the Canal, is considered to be in the vicinity of the rapid transit stations on Albert and Slater.

The Committee of Adjustment in its decision (attached as Annex A) specifically noted that the subject property is located along the transitway and that the tandem parking issue is presently being dealt with as part of the new comprehensive zoning by-law for the Central Area. The existing zoning by-law does not permit tandem parking.

Although at this time there is only one appeal before the Board, Committee of Adjustment will be considering two additional applications to permit tandem parking at its meeting of 16 Sep 1999. Staff intend to appear at the Committee of Adjustment in opposition to the applications. An adverse decision on this initial appeal would open the door to a flood of similar applications for other downtown properties and pre-empt the policy decision of City Council on the new zoning by-law.

CONSULTATION

Committee of Adjustment applications for minor variances are circulated to property owners within a radius of 60 m of the subject property and affected community associations, and there is a requirement to post a sign. There is also a technical circulation to City and Regional departments. Moreover, the Regional Official Plan policies which form the basis of the position to be presented to the Board were the subject of an extensive public consultation process. The City is also doing public consultation on the new Central Area zoning by-law.

FINANCIAL IMPACT

The recommendation of this report has no financial impact. Regional staff participation in Committee of Adjustment public hearings or Ontario Municipal Board hearings will be covered by approved operation budgets.

CONCLUSION

Approval of minor variances to permit tandem parking in the Central Area would be contrary to the objectives and policies of the Regional Official Plan. The decision on this matter should be made in the context of the new comprehensive zoning by-law for the Central Area (and any appeals thereof). Regional staff recommend that Committee confirm their participation as required at Committee of Adjustment public hearings and Ontario Municipal Board hearings in

opposition to tandem parking in the Central Area in order to implement the Regional Official Plan.

*Approved by
N. Tunnacliffe, MCIP, RPP*

Attach. (1)



City of Ottawa

COMMITTEE OF ADJUSTMENT

DECISION

| | | |
|----------|-----------|----------|
| PRESENT: | T. FOBERT | |
| | D. BOULET | J. HAMEL |

Application for: **Minor Variances**

In respect of property owned by: **OMERS REALTY [C/O CONSTITUTION SQUARE LTD.]**

Which is located on: **Part of Lots 18 to 25, S. Albert St. & Part of Lots 18 to 25, N. Slater St., Plan 3922,**

In the City of Ottawa, known municipally as: **350, 360 Albert Street**

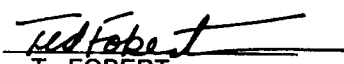
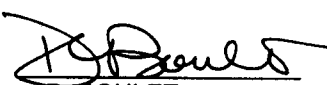
Date of Hearing: **June 17, 1999**

File Number: **99-159-A-11578**

Disposition of Application: DISMISSED

(The Reasons for This Decision are Attached and Form Part of the Decision)

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment for the City of Ottawa dated this 25th day of June, 1999.

| | | |
|---|---|-------------------|
|  T. FOBERT CHAIR |  D. BOULET VICE-CHAIR | |
| _____ J. BLATHERWICK | _____ P. PIAZZA | _____ J. HAMEL |

The Applicant, who is the owner of two office buildings with parking below grade, wants to provide valet parking on level P3, which will result in 80 additional parking spaces in the garage. One hundred and twenty-five (125) of the existing and proposed parking spaces will be provided in a tandem fashion and some of the spaces will be reduced in size, all as shown on plans that have been filed with this Committee. The property is designated as central area under the City's Official Plan and is presently subject to zoning designation C2-x(8.0) [51] under Zoning By-law Z-2K, as amended. In order to do this, the following minor variances from the requirements from the said By-law is requested as follows:

- (a) To permit 125 parking spaces to be parked in a tandem fashion whereas the By-law states, in part, that each parking space shall have unobstructed access to an aisle leading to a driveway.
- (b) To permit reduced parking aisle widths of 5.9 metres instead of the required 6.7 metres.
- (c) To permit 80 parking spaces to have widths of 2.0 metres instead of the required 2.6 metres.
- (d) To permit 57 parallel parking spaces to have varying lengths, with the shortest being 5.35 metres, instead of the required 7.0 metres.
- (e) To permit 125 tandem parking spaces to have lengths of 5.25 metres instead of the required 5.75 metres.

It is also noted that previous consent applications were dealt with in 1975 and 1982, as well as, applications for minor variances in 1974 and 1993.

A written submission from the City's Building Code Services Division is on file advising that there are outstanding Orders to Comply against the property. Also on file are letters from Capital Parking Inc., 2102-400 Slater Street and from Urbanetics Inc., owners of 350 Queen Street, both in support of the application. Letters have also been received from the Centretown Citizens' Community Association; City Centre Coalition; L. Hoad, 136 Bayview Road; and Elisabeth Arnold, Ward Councillor; all in opposition to the application generally on the grounds that approval of the application will increase the supply of commuter parking in the Central Area which is contrary to the objectives of both the City and the Regional Official Plans which limit the number of long term spaces and encourage the greater use of public transit, cycling and walking, and that the reduction in the size of the parking spaces is substantial and should be dealt with through an application for a zoning by-law amendment.

At the Hearing, the Committee noted the presentation made by Mr. J. Munro, who appeared on behalf of the applicant, in association with Mr. H. Gorman, General Manager of Constitution Square. In describing the nature of the application and outlining the variances being sought, Mr. Munro advised that the new Zoning By-law would permit this type of parking arrangement and parking sizes, but because it is not yet in place, the variances requested are required and relate solely to the existing Zoning By-law, Zoning By-law Z-2K, as amended. In this regard, he noted that the owner wished to establish valet parking at the present time, since they were experiencing a shortage of spaces for their tenants and in view of the fact that the wait for the implementation of the new Zoning By-law because of possible related appeals, could take up to another year. In referring to the Official Plan, Mr. Munro pointed out that the Official Plan also encourages the provisions of short term parking which is what is being proposed, since the tandem parking would be specifically for those parking all-day, freeing up the upper level of the parking garage for short-term parking. Mr. Munro then went on to describe how the valet parking would be operated.

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Mr. Gorman advised the Committee that on a daily basis, their parking lot almost always fills up early in the morning and in anticipation of the additional requirements under the new Zoning By-law for retail uses on the ground floor and with the current demands of the present tenants of the building, the establishment of tandem parking would free up spaces for additional short term parking on the first level of the parking garage.

In responding to a question from the Chair, Mr. R. Konowal of the City's Planning Branch stated that the Branch was not as concerned with this application as it would be with the establishment of tandem parking on surface parking lots which would be seen as a delay to the development of the lot.

Having considered the evidence presented and reviewed the plans filed, the Committee takes particular note of the fact that the subject property is located along the transitway and that the issue of tandem parking is presently being dealt with as part of the new Comprehensive Zoning By-law for the Central Area which is in its final stages. In noting that this application is seeking relief from the existing Zoning By-law, Zoning By-law Z-2K, as amended, which does not permit tandem parking and in view of the Municipality's impending direction on this issue, a majority of the Committee is of the opinion that, in all the circumstances and in this instance, the variances sought are not desirable for the appropriate development or use of the land and that the general intent of the Zoning By-law is not maintained.

The dissenting Member of the Committee is Mr. J. Hamel.

I, H.E. MacLean, Secretary-Treasurer of the Committee of Adjustment for the Corporation of the City of Ottawa in the Regional Municipality of Ottawa-Carleton verify that the above is a true copy of the decision of the Committee with respect to the application recorded therein.

DATED THIS 25th DAY OF June 19 99

H.E. MacLean

H.E. MacLean

Extract of Draft Minute
Planning and Environment Committee
14 September 1999

ONTARIO MUNICIPAL BOARD APPEAL
RE: TANDEM PARKING IN THE CENTRAL AREA

- Planning and Development Approvals Commissioner's report dated 3 Sept 99

Tim Marc, Manager, Planning and Environment Law, advised Committee this report was brought forward to Planning and Environment Committee on the understanding that the Ontario Municipal Board (OMB) hearing was taking place on 21 September 1999, and this would not allow time for the matter to go to Council. The hearing has now been adjourned, at the request of the applicant, to some date after 15 December 1999, so this report should now rise to Council.

Committee Chair Hunter stated he was opposed to the staff recommendation as he felt the Region was involving itself in an area where it has no business. He felt to relate tandem parking to an aspect of the Regional Official Plan (ROP) for fear of it discouraging people from riding their bikes downtown, would be ridiculous.

Carol Christensen, Senior Project Manager, Land Use, Policy and Infrastructure Planning Division, explained there was an application to the Committee of Adjustment to permit tandem parking by OMERS at Constitution Square, which the Committee turned down. The City of Ottawa is in the process of having a parking study done including whether or not tandem parking should be permitted and in fact, OMERS request to adjourn the hearing is because this study is being done.

Ms. Christensen felt the ROP had drawn a link between parking and transit use, in particular and she referred Committee to the policy quoted in the staff report at the top of page 2, which speaks to setting parking requirements in zoning by-laws to level which encourages transit. Tandem parking tends to be long term parking so a lot of permission for tandem parking in the central area would result in a substantial increase in the parking supply. As indicated in report, staff have advised the City of Ottawa in their comments on the draft Central Area zoning by-law, that tandem parking is not in line with either the ROP or the City's Official Plan. Ms. Christensen stated it is therefore staff's recommendation to participate in the Board hearing.

Responding to questions from Councillor van den Ham, Mr. Marc advised the City of Ottawa Legal Department does not automatically appear to defend Committee of Adjustment decisions. He opined therefore, if the Committee and Council were of the view that there is a Regional interest at stake, this would be a valid reason for Regional staff to appear at the hearing.

Councillor Legendre had questions with respect to why OMERS had requested additional parking. Ms. Christensen noted OMERS had indicated to the Committee of Adjustment

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that their parking garage fills up early in the morning. She confirmed that there had been no additional construction on the site to necessitate additional parking. Councillor Legendre felt this would suggest they are merely looking to increase their revenues.

Councillor Hume referred to a statement in the Committee of Adjustment decision which said the new zoning by-law would permit this type of parking arrangement. Ms. Christensen advised although this statement was contained in the decision, it was not a statement of fact. Delcan is in the process of completing a study for the City, which will be brought to their Planning Committee and Council sometime this fall and only at that time will the contents of the zoning by-law be known.

The Committee then heard from the following delegation.

Linda Hoad, Federation of Citizens' Associations (FCA) advised the FCA has taken part in the development and watches with interest, the implementation of both the City of Ottawa Official Plan and the Regional Official Plan. She said the FCA is particularly interested in the success of the transportation policies, particularly in the shift from automobile transportation to the alternatives. Ms. Hoad advised many of FCA members are inner-city and older suburban neighbourhoods that face serious and growing traffic problems that affect quality of life. For this reason, the FCA has taken an interest in requests for tandem parking.

Ms. Hoad noted the City of Ottawa did not comment on the subject application and it was her understanding that their staff would not be appearing at the hearing.

The speaker said the new City zoning bylaw, for all areas except the central area, does permit 10% of required parking to be provided in a tandem fashion, but public parking cannot be provided in a tandem manner. She said the study underway is to determine if tandem parking would be suitable for the central area. Ms. Hoad said the FCA feels quite strongly that the provision of more and cheaper parking does impact on the effectiveness of the transit service. She urged the Committee to support Regional staff appearing at the OMB hearing.

Committee Chair Hunter asked the speaker if she could provide any evidence of the impact of increasing parking would have on transit use. Ms. Hoad replied the background study prepared for the OC Transpo review provided estimated figures of the loss of ridership due to an increase in the supply and the decrease in the price of parking. She noted the City of Calgary did studies in this regard and as well, evidence shows that when the Federal Government went to flexible hours in the 1970's and the cost of parking tripled in the downtown area, transit ridership in the Region increased.

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At Councillor Munter's request, Ms. Hoad advised she was not aware of any jurisdictions in North America where attempts to make parking as cheap and available as possible, led to an increase in transit ridership.

Chair Hunter offered his opinion that OMERS/Constitution Square was merely trying to provide a service to its customers. He pointed out the designated spots were not intended for parking for the general public. Ms. Hoad countered the tandem parking would free up parking spaces for the public and she believed their intention was to generate increased revenues.

The Committee then considered the staff recommendation.

That Planning and Environment Committee recommend that Council approve that Regional staff appear at the Ontario Municipal Board in opposition to permitting tandem parking in the Central Area.

LOST

NAYS: B. Hill, J. Legendre, R. van den Ham and G. Hunter....4

YEAS: D. Beamish, M. Bellemare and A. Munter....3

(Note: This item will rise to Council without a Committee recommendation.)