

October 3, 2024

Ms. Siobhan Kelly
Review Planner
City of Ottawa

Re: Final comments on CLC Rezoning Application for 1495 Heron Road # D02-02-23-0030

Dear Ms. Kelly,

Guildwood Residents Alliance (GRA) wishes to submit its final comments with respect to Canada Lands Company's Zoning By-law Amendment (rezoning) Application for the site at 1495 Heron Road. The rezoning application has undergone many changes since April 2024 and our comments relate to the latest version of the Zoning By-law Amendment application and Planning Rationale dated September 20, 2024. As there has been little change in most technical documents, we have not repeated our comments contained in the previous submissions, many of which still apply.

The surplus federal site at 1495 Heron Road was added to the Canada Public Lands Bank on August 25, 2024, and this change in direction creates a new destiny for the site which must reflect the objectives and requirements of the federal program *Public Lands for Homes Plan*. This program addresses housing affordability and availability issues and needs, and the federal *Directive on Management of Real Property* reiterates, with respect to federal surplus properties, the need to give priority to official language minority communities, the public interest and support to federal government programs and priorities. We have noticed that the rezoning application has not been completely adjusted to reflect the new purpose of the site under the federal program.

In addition, the former Campanile Campus will soon be designated under Part IV of the *Ontario Heritage Act* for its cultural and historical significance. GRA submitted its comments on the proposed heritage designation to the Built Heritage Committee on October 1, 2024. GRA's comments focused, from a perspective of social and cultural commonalities, on the reuse and development of a much needed affordable and accessible Seniors Housing Village.

1. Proposed zoning: (GM, O1, I1A)

The site at 1495 Heron Road includes a Minor Corridor Zone fronting on Heron Road and a Neighbourhood Zone beyond a 120-metre band measured from the centreline of Heron Road. The Rezoning Application proposes, through GM zoning with a zoning exception, to expand the types of land use to include residential use and specific non-

residential uses. GRA has serious concerns about the Urban Exception as detailed in section 2 below and objects to several of its components. In general, the non-residential uses in the Neighbourhood Zone of the site should be in a limited number of locations so that they represent “compatible and complementary small-scale non-residential uses and services (including retail, service, cultural, leisure and entertainment uses)” to contribute to a 15-minute neighbourhood, in accordance with s. 6.3.1(4)d) of the Official Plan. We expect that most commercial uses will be located in the Minor Corridor Zone, and we understand that, under the Federal Program, commercial space will be limited to 30% of gross floor area on this permanent “public land”.

Concerning the residential use included in the GM zoning, the affordable housing requirements (minimum of 30% of new units) of the Federal Program will have to be taken into account as they apply for a minimum of 25 years on this permanent “public land”.

GRA requests that the Planning Department give special attention to the needs of the fast-growing senior population in Ottawa when reviewing the rezoning application. GRA asks that this context, and not a commercial driven approach, be the focus of Planning Staff in their report to Committee and Council. The rezoning application cannot be reviewed without considering the fact the site was added to the Canada Public Lands Bank to help solve the housing crisis and it will remain a public land for the long term. The Neighbourhood zone of this site cannot be considered a “commercial zone”, contrary to what is stated in the Rationale of s. 3(b) (Additional land uses permitted) on page 36.

With the “**Silver Tsunami**” swiftly approaching and the senior population (65 years of age or over) increasing by 37% in the Ottawa region in the next decade, there will be an unprecedented demand for seniors’ affordable housing options and long-term care housing. By 2031, the number of seniors in Ottawa is expected to represent 24.9% of the total population according to Ontario Health statistics. Over 6,000 seniors are currently on wait lists for long-term care admission in the Champlain region and admission in long-term care is now made solely on an urgent crisis basis because of the shortage of LTC beds. For the Francophone population, representing 16.2% of Ottawa’s total population, a recent report of the Réseau des services de santé en français de l’Est de l’Ontario identified a shortage of about 500 long-term care beds for Francophone seniors in the central area of Ottawa. The City’s Wait Lists for Rent-Geared-to-Income (RGI) and Affordable Housing show that 2,066 senior households and 414 senior households respectively are in need of affordable and attainable housing. It is worth mentioning that long-term care beds count as dwelling units in the housing starts calculations.

Since April 2021, Guildwood Residents Alliance has advocated for the use of the federal surplus site at 1495 Heron Road as a Seniors Village including a long-term care facility and affordable housing options for seniors, with ancillary services, and community needs are well substantiated by the above-mentioned statistics.

GRA supports the dual zoning I1A/O1 for the northwest corner of the site. GRA finds that a park is an appropriate option for that area if CEPEO does not proceed with the construction of a French public school.

GRA concurs with O1 zoning designation for the blue-green stormwater management corridor (width of 14.25 m) along the east property line and the north property line.

2. Urban Exception

The Rezoning Application provides an urban exception with detailed provisions. The Exception is reproduced in Schedule A for ease of reference. While we appreciate that CLC and the Planning Review staff have made efforts to establish restrictions, GRA cannot support many of the added uses. Even though CLC states that these uses are found in “other commercial zones”, it should be emphasized that 1495 Heron Rd is not a commercial zone but rather located in a residential neighbourhood in the Outer Urban Transect with which the additional uses are incompatible, particularly in the Neighbourhood portion of the site.

(1) Concerning the new permitted land uses listed in paragraph b) of the Exception, with restrictions set out in paragraph d) thereof:

(a) GRA objects to the following proposed uses on the site: broadcasting studio, cinema, museum and production studio, because they raise compatibility issues with the adjacent residential community – existing and future – as well as parking and traffic issues. Unless there is a public consultation with the community, GRA does not concur with those additional land uses.

(b) GRA is opposed to a “hotel” use (maximum of 100 rooms) because a commercial hotel is totally **incompatible** with the predominantly residential neighbourhood and would be inappropriate on a federally designated “public land” that is intended to prioritize affordable housing based on community needs.

(c) GRA concurs with the restriction of having a parking garage below grade, but this must be accompanied by a seismic assessment requirement to ensure the stability and safety of the 9 retained buildings of the Heritage Campus which all have tunnels below grade. Any soil disturbance will compromise the integrity and stability of the existing 60-year-old buildings and underground tunnels.

(d) GRA supports the use of Building F (former 400-seat theatre) as a theatre.

(2) GRA fully concurs with the prohibited land uses specified in paragraph c) of the Exception (i.e. drive-through facility and funeral home).

- (3) GRA concurs with the one-lot for zoning purposes designation in par. d)(v) of the Exception.
- (4) GRA's position on the height schedule mentioned in par. d)(vi) of the Exception is set out in section 4 below.
- (5) GRA concurs with the prohibition of any new buildings in Area Z provided in par. d)(vii) of the Exception. However, if below grade parking is to be permitted in Area Z, a full seismic assessment must be required beforehand to ensure the integrity and stability of the existing 60-year-old buildings and underground tunnels.
- (6) Concerning the 17 non-residential uses listed in par. d)(viii) of the Exception, GRA is opposed to "broadcasting studio", "cinema", "hotel", "museum" and "production studio" for the reasons mentioned above, and concurs with a "parking garage below grade" only if it is subject to a mandatory seismic assessment to protect the integrity and stability of the existing 60-year-old buildings and underground tunnels.
- (7) As for specified uses listed in d)(ix) of the Exception, GRA is opposed to a "Payday loan establishment" because there is currently a school adjacent to the site and the separation distance should be 300 m under s. 78 of the current Zoning By-law. A "personal brewing facility" is not appropriate in a residential neighbourhood and near a school and a monastery, and GRA objects to this use. GRA supports the use of a restaurant and emergency service within 50 m of residential lands zoned R1 or R4 only if located in the Minor Corridor portion of the site. Please add a reference to R4 to include Guildwood Court townhomes.
- (8) GRA believes that the provision in par. d)(x) of the Exception intended to allow non-residential uses on the ground floor and second storey of a mixed used building in the Neighbourhood Zone should, in accordance with Policy 4 of s. 6.3.1 of the Official Plan, specify "**complementary small-scale non-residential uses and services**" to contribute to a 15-minute neighbourhood. GRA requests that the missing reference be added to the Exception provisions.
- (9) GRA concurs with the provisions set out in paragraphs d)(xi) of the Exception.
- (10) GRA has serious concerns about the width and length of buildings set out paragraphs d)(xii) and (xiii) of the Exception, because they produce a "fortress" visual effect and we do not find them compatible with the heritage buildings and the surrounding residential neighbourhood.
- (11) Concerning the provision set out in paragraph d)(xiv) of the Exception, "minimum setback of 14.25 metres from a parcel zoned R1", GRA believes that "or R4" must be added to include Guildwood Court townhomes. We note that in the new Zoning By-law, the R1 and R4 will be abolished and we wish to ensure that the reference to R1 and R4

will not be a problem after 2025. In addition, should the first row of housing line on the east side be a four-storey built form, GRA believes that a more appropriate setback of 21 metres should be provided, in accordance with the provisions of current Exception 325 in Zoning By-law 2008-250.

(12) Concerning the provision set out in paragraph d)(xv) of the Exception, the minimum setback provided is from a new building only and does not provide for the case where a road would be built next to the SWM corridor.

(13) GRA concurs with the provisions set out in par. d)(xvi), (xvii) and (xviii) of the Exception and we agree that the phasing of a development is appropriate, given the large size of the site.

3. Stormwater Management Infrastructure

GRA supports the blue-green corridor (width of 14.25 m) on the east and north sides that will serve as a stormwater management infrastructure and a separation buffer, provided it does not lead to flooding in the many rear yards and homes adjacent to the east property line. The built area adjacent to the east side of the site has aging infrastructure (about 60 years old), and there have already been incidents of flooded basements during severe storms.

The blue-green corridor will also extend to the north side next to WRENS Way, and GRA hopes that the mitigation measures proposed by CLC will be adequate to protect the commemorative park WRENS Way and its natural features.

4. Height Schedule

The site has both a Minor Corridor designation and a Neighbourhood designation. The new height schedule included in the Urban Exception provides five building height zones for the site.

1. GRA fully supports the low-rise housing (up to four storeys) proposed along the east property line adjacent to Guildwood Estates residences as shown in Zone B of the height schedule, as well as the heights planned for zone A (3 storeys) and zone Z (no new building permits). GRA expects that an appropriate height transition will be provided to ensure a gradual transition from the abutting two-storey homes of Guildwood Estates to the new four-storey buildings in Zone B of the site, and a gradual transition from 4 storeys to 9 storeys within the site.

2. The height (maximum of six storeys) in Zone C conforms to the building height requirement for a Minor Corridor in the Official Plan and GRA has no grounds to oppose such height.

3. GRA opposes the maximum height of 9 storeys in Zone D within the Neighbourhood portion of the site shown in the revised application for a majority of future buildings.

The site is currently zoned under Urban Exception 325 in Zoning By-law 2008-250 and, as confirmed by City staff, the current height limit of 21 metres shown only on the Zoning Map (and not in the provisions of Exception 325 in Part 15 of the Zoning By-law) applies to the portion of the property located beyond a 21-metre distance from the east property line, and it is directly related to the permitted uses – institutional – on the property today.

Section 6.3.1 of the Official Plan, requiring that “permitted building heights in Neighbourhoods shall be Low-rise,” provides an exception in cases where “existing zoning allows for greater building height”. However, the height exception in the Official Plan does not mention any change in “permitted uses.” The current zoning (I1A) of the site is for institutional use only and any permission for greater building height would, in GRA’s opinion, be for the current institutional use.

GRA believes that the Official Plan contains a loophole in Policy 14 of s. 3.2 that allows an applicant to request greater building height in the same height category along with a change of land use through a Zoning By-law Amendment application:

“14) An amendment or minor variance to the Zoning By-law shall be required for any increase in height within the height categories, provided the proposed increase is in the same height category”.

The 9-storey height proposed in the Neighbourhood portion of the site results in a “Backwards Plan” contrary to the height hierarchy envisioned by the Official Plan, placing the greater heights (nine storeys) in the Neighbourhood Zone and lower six-storey heights in the Minor Corridor Zone. GRA is of the opinion that applying the maximum mid-rise building height of nine storeys to a Neighbourhood Zone is not aligned with the intent of the Official Plan.

In addition, the Official Plan provides, under s. 6.3 (Neighbourhoods), a specific policy for converting underutilized institutional sites to residential use within the Neighbourhood designation. The conversion policy is set out in detail in Policy 7 of s. 6.3.2 and it applies to the proposed development application (rezoning) for the site at 1495 Heron Road.

Policy 7:

7) Sites that are underutilized or convert from non-residential uses, for example golf courses, school sites or churches, may convert to residential, provided all of the following are met:

- a) The proposed development includes the majority of its site as low-rise missing middle housing typologies;
 - b) The intent of the growth management requirements of Section 3 are met;
 - c) The proposed development includes an affordable housing component meeting Subsection 4.2 and provides a non-residential component in order to contribute to 15-minute neighbourhoods, preferably an underserved non-residential component such as community infrastructure or local retail and commercial services and
 - d) Industrial or commercial sites, such as shopping centre redevelopments, that are located within the Neighbourhood designation do not fall under this policy and must rely on the direction of Subsection 3.2, Policy 6).
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The conditions required to convert an institutional site to residential use include a requirement that the **majority** of the proposed development be **low-rise** missing middle housing and a requirement that an affordable housing component and a non-residential component (community infrastructure or retail or commercial services) be included in the proposed development. GRA was advised by the Planning Department that the intent of this provision is not to “downzone”. In GRA’s opinion, the current wording of the conversion policy of the Official Plan does not support such an interpretation. The standard rules of legislative interpretation include a basic presumption: If something is not mentioned in circumstances where one would expect it to be mentioned, it is excluded by implication (*Expressio unius est exclusio alterius*). In addition, PPS 2024 encourages this type of conversion in Policy 2.2, 1b)(1).

GRA believes that all the requirements of the OP conversion policy should apply to the conversion of the institutional site at 1495 Heron Road to residential use, including the requirement of having a majority of low-rise missing middle housing typologies.

For all those reasons, **GRA cannot support nine-storey heights in a Neighbourhood Zone.**

5. Concerns relating to planned and unfunded Bus Rapid Transit stations

In CLC’s proposed concept plan, CLC justifies increases in height and density by using aspirational Bus Rapid Transit (BRT) stations along Heron Road shown in the 2031 Network Concept. However the only BRT corridor (with stations) approved by Council (in 2017) ends at Heron Station at 875 Heron Rd, as shown on Map 5 – 2031 Affordable Network – in the current Transportation Master Plan. City documents specify that the 2031 Network Concept will not be implemented prior to 2031. Since it is not known when a development will be approved and built on this site, GRA finds it inappropriate to use, for planning purposes, a BRT corridor that has not been assessed, approved or

funded by Council. In addition, the Council-approved Bank Street reconstruction project makes no mention of a BRT corridor at the intersection of Bank Street and Heron Road in any of the published maps and diagrams.

Conclusion

During the past 3.5 years, Guildwood Residents Alliance has carried out its due diligence concerning the federal surplus site at 1495 Heron Road – including its past, present and future – through extensive analysis and research in the Official Plan, City by-laws, PPS, legislation, departmental documents, City documents and City Archives. We asked many questions for clarification and submitted many comments and emails to the City, Canada Lands Company, various organizations, federal Ministers, provincial Ministries, our Councillor, our MP and our MPP. Guildwood Residents Alliance supports reasonable and intelligent intensification that provides a density conducive to liveability and quality of life within the parameters set out in the Official Plan for neighbourhoods and minor corridors, and GRA supports affordability and accessibility. We have submitted the above comments in good faith in consideration of the wishes and aspirations of our Community.

In closing, GRA wishes to thank the Planning Department for correcting the historical Exception mistake found by GRA in Zoning By-law 2008-250. The 1495 Heron Road site was mixed up with the RCMP equestrian facility at 1 Sandridge Road in the last comprehensive Zoning By-law. Archival evidence from 1997-98 found by GRA members allowed the correct and valid Exception 325 to replace incorrect Exception 366 and be recognized and used by City staff in their review of CLC's Rezoning Application.

We wish to thank the review planners, Ms. Melanie Gervais, Mr. Justin Grift and Ms. Siobhan Kelly, as well as heritage planner Mr. Luis Juarez, for their professionalism and expert advice in this file. In particular, we express our deepest appreciation to Ms. Kelly for her time, efforts, patience and attention to detail in reviewing and answering our questions and concerns through emails and meetings. We also wish to thank our Councillor Marty Carr and her staff for their availability, openness and assistance in this file.

Best regards,

Lynne Davidson-Fournier
Guildwood Residents Alliance
Ottawa, Ontario
(Registration no. 2850)

Att.

SCHEDULE A

Urban Exception [xxxx]:

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- 1) Add a new exception [XXXX] to Section 239, Urban Exceptions with provisions similar in effect to the following:
- a) In Column II, Applicable Zoning, add the text, "GM[XXXX] SYYY-h"
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- b) In Column III, Exception Provisions – Additional Land Uses Permitted, add the text:
- i) Broadcasting studio
 - ii) Cinema
 - iii) Hotel
 - iv) Museum
 - v) Park
 - vi) Parking garage
 - vii) Production studio
 - viii) Theatre
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- c) In Column IV, Exception Provisions – Land uses Prohibited, add the text:
- i) Drive through facility
 - ii) Funeral home
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- d) In Column V, Exception Provisions – Provisions, add the following text:
- i) Cinema is limited to a maximum of 3 theatres.
 - ii) Hotel is limited to a maximum of 100 guest rooms.
 - iii) Parking garage is limited to below grade.
 - iv) Theatre is limited to Building F shown on Schedule SYYY
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- v) All parcels subject to exception XXXX are considered one lot for zoning purposes.
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- vi) Maximum building heights are as per Schedule SYYY.
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- vii) No buildings are permitted in Area Z on Schedule SYYY. This prohibition does not apply to below grade structures or parking.
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- viii) Buildings must contain residential dwelling units except for the following uses, which can be in a building that does not contain dwelling units. This provision does not apply to accessory buildings.
- (a) Broadcasting studio
 - (b) Cinema
 - (c) Community centre
 - (d) Community health and resource centre
 - (e) Hotel
 - (f) Medical facility
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<ul style="list-style-type: none"> (g) Museum (h) Office (i) Park (j) Parking garage, below grade (k) Place of assembly (l) Place of worship (m) Production studio (n) Recreational and athletic facility (o) Residential care facility (p) Shelter (q) Theatre
<p>ix) Despite the list of permitted uses, the following uses are not permitted within 50 metres of lands zoned R1:</p> <ul style="list-style-type: none"> (a) Payday loan establishment (b) Personal brewing facility (c) Restaurant (d) Emergency service
<p>x) Except for mixed-use buildings within 120 metres of Heron Road, all non-residential uses are only permitted on the ground floor and second storey of a mixed use building.</p>
<p>xi) Minimum stepback of 2.5 metres after the fourth storey</p>
<p>xii) A building that is 5-storeys or more has a maximum building width and length of 60 metres</p>
<p>xiii) Despite Section 74(3), buildings connected above the ground by features such as pedways, bridges or other connections that create additional gross floor or gross leasable floor area, are not considered one building for the purpose of applying maximum building length.</p>
<p>xiv) Minimum setback of 14.25 metres from a parcel zoned R1</p>
<p>xv) Minimum distance of 3.0 metres from a parcel or part of a parcel zoned O1 on Schedule SYYY.</p>
<p>xvi) No maximum Floor Space Index</p>
<p>xvii) The holding symbol may only be removed from all or part of the lands subject to the "h" symbol following the completion of the following conditions:</p> <ul style="list-style-type: none"> (a) A heritage impact assessment that demonstrates compliance with the 1495 Heron Road Conservation Design Guidelines is approved, to the satisfaction of the General Manager of Planning, Development and Building Code Services or their designate, together with any required permits under Sections 33 or 34 of the Ontario Heritage Act. (b) A functional servicing report is approved confirming that municipal water supply and sanitary sewer capacity is adequate for the proposed development, to the satisfaction of the General Manager of Planning, Development and Building Code Services or their designate. (c) A minimum 5000 square metre park less any deductions applicable by the provision of affordable housing is dedicated to the City in a location and configuration to the satisfaction of the General Manager of Recreation, Cultural and Facilities or their designate.
<p>xviii) Partial removal of the holding symbol may be considered to facilitate phased development. Approval of an application to partially lift the holding provision will be based on satisfying the applicable conditions for that phase of development as determined by the General Manager of Planning, Development and Building Code Services.</p>