

Subject: Zoning By-law Amendment - 70 and 74 Nicholas Street

File Number: ACS2022-PIE-PS-0118

Report to Planning Committee on 8 September 2022

and Council 21 September 2022

**Submitted on August 26, 2022 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Rideau-Vanier (12)

Objet : Modification du *Règlement de zonage* – 70 et 74, rue Nicholas

Dossier : ACS2022-PIE-PS-0118

Rapport au Comité de l'urbanisme le 8 septembre 2022

et au Conseil le 21 septembre 2022

**Soumis le 26 août 2022 par Derrick Moodie, Directeur, Services de la planification,
Direction générale de la planification, des biens immobiliers et du développement
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REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 70 and 74 Nicholas Street, as shown in Document 1, to create a new exception and to remove the subject property from the Heritage Overlay, to permit the construction of a 21-storey, mixed-use building incorporating the City Registry Office, a designated heritage building, as detailed in Document 2.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of 21 September 2022” subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l’urbanisme recommande au Conseil municipal d’approuver la modification à apporter au *Règlement de zonage n° 2008-250* pour le 70 et le 74, rue Nicholas, représenté dans la pièce 1, afin de créer une nouvelle exception et de retrancher la propriété visée dans le secteur désigné à valeur patrimoniale pour permettre de construire un immeuble polyvalent de 21 étages intégrant le Bureau d’enregistrement municipal, édifice patrimonial désigné, conformément aux modalités précisées dans la pièce 2.
2. Que le Comité de l’urbanisme approuve l’intégration de la section Détails de la consultation du rapport dans la « brève explication » du Résumé des mémoires déposés par écrit et de vive voix, à rédiger par le Bureau du greffier municipal et à soumettre au Conseil municipal dans le rapport intitulé « Résumé des mémoires déposés par écrit et de vive voix par le public sur les questions assujetties aux "explications obligatoires" de la *Loi sur l’aménagement du territoire* à la réunion tenue par le Conseil municipal le 21 septembre 2022 », sous réserve des mémoires qui seront déposés entre la publication de ce rapport et la date à laquelle le Conseil municipal rendra sa décision.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of a Zoning By-law Amendment for 70 and 74 Nicholas Street to permit the construction of a 21-storey, mixed-use building incorporating the City Registry Office, a designated heritage building.

The recommendations request a reduction in required visitor parking, a reduction in required ground floor percentage of active uses, and removal of the heritage overlay.

The proposal aligns with applicable Official Plan policies for Volume 1 of the current and new Official Plans and for the Official Plan policies for Volume 2, Rideau/Congress Centre Character Area within the Central Area Secondary Plan (current Official Plan) and the Downtown Rideau Character Area within the Central and East Downtown Core Secondary Plan (new Official Plan).

Applicable Policy

The following current Official Plan policies support this application.

Pedestrian Environment

Section 3.6.6 - Central Area, includes policies to improve and enhance the pedestrian environment and to also further consider the Central Area Secondary Plan policies to enhance the physical character and identity of the Central Area's distinctive streets, theme streets, character areas, and heritage conservation districts.

Protection of Heritage Resources

Section 3.6.6 - Central Area, includes policies to consider the Central Area Secondary Plan policies to enhance the unique heritage resources of the Central Area's distinctive streets, theme streets, character areas, and heritage conservation districts.

The Central Area Secondary Plan, Section 1.6 states that attractive development will reflect a new era of urban design in the Central Area. Buildings will follow a range of profiles while contributing to a sense of human scale in the vicinity of Daly Avenue and Nicholas Street. The distinct heritage ambience of this significant group of buildings will be protected and enhanced in a manner that retains its historic context and character and increases its visibility.

The new Official Plan policies support this application. Local Plans establish more detailed policies to guide growth and change in specific areas or neighbourhoods. Local plans adapt and implement the overall planning approach of the Official Plan but may deviate from specific policies to fit local contexts. The subject property is located within the boundaries of the Central and East Downtown Core Secondary Plan.

Pedestrian Environment

Section 4.6.2 of the Central and East Downtown Core Secondary Plan for the Downtown Rideau area indicates that development should support active, pedestrian-oriented street life through its uses and forms and should enhance the visibility of the cluster of heritage buildings in the vicinity of Daly Avenue and Nicholas Street.

Section 4.6.3 of the Central and East Downtown Core Secondary Plan indicates that the City will reflect the priority placed on sustainable modes in the Downtown Rideau area, notably through providing traffic calming and comfortable pedestrian and cycling infrastructure.

Protection of Heritage Resources

Section 3.4 Heritage of the secondary plan indicates that development will respect the area's heritage character and will be in accordance with the policies found in Section 4.5 - Cultural Heritage and Archaeology of Volume 1 of the new Official Plan.

Section 4.5.2 of the new Official Plan indicates that the Heritage designation is, in part, intended to ensure contextually appropriate development and is not intended to discourage intensification or limit housing choice.

Other Matters

Heritage Permits

A heritage permit application ([ACS2022-PIE-RHU-0026](#)) related to this project was approved by City Council on June 22, 2022 and allows for the relocation of the City Registry Office, to approximately 20 metres north of its existing position.

A second heritage permit application ([ACS2022-PIE-RHU-0029](#)) was before the Built Heritage Sub-Committee on August 23, 2022 and will be heard at the same Planning Committee as this rezoning application. Heritage staff recommended to Planning Committee to allow for the alteration, under the *Ontario Heritage Act*, of the City Registry Office at 70 Nicholas Street, according to drawings prepared.

Staff have further indicated that the relocation and alteration of the City Registry Office contributes to the protection and enhancement of the City Registry Office and the nearby Carleton County buildings and sensitively integrates with the Arts Court block redevelopment.

Site Plan Control

A Site Plan Control Application was filed concurrently with the Zoning By-law Amendment application and is being reviewed concurrently. Any approvals to be granted will not occur until the zoning for this project becomes final and binding.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

A public consultation meeting, held by Councillor Fleury's office, was held on March 1, 2022. There were 92 registrants, which included staff and the applicants team.

Action Sandy Hill (Community Association) and approximately 20 members of the public provided comment or indicated to be notified of any meetings or decisions regarding this project.

Comments received from the community consisted of mostly opposition. Those in opposition highlighted traffic, pedestrian safety, protection of heritage, and height & massing as their main concerns.

Consultation details provided directly to staff are provided in Document 3.

SYNTHÈSE ADMINISTRATIVE

Recommandation du personnel

Le personnel des Services de planification recommande d'approuver la modification à apporter au *Règlement de zonage* pour le 70 et le 74, rue Nicholas, pour permettre de construire un immeuble polyvalent de 21 étages intégrant le Bureau d'enregistrement municipal, édifice patrimonial désigné.

Les recommandations préconisent de réduire la superficie du terrain de stationnement obligatoire pour les visiteurs, de diminuer le pourcentage requis d'utilisations actives au rez-de-chaussée et de retirer la désignation de secteur à valeur patrimoniale.

La proposition concorde avec les politiques applicables du volume 1 du Plan officiel, version actuelle et version nouvelle, et avec les politiques du volume 2 relatives au secteur pittoresque du Centre Rideau/Centre des congrès dans le Plan secondaire du secteur central (version actuelle du Plan officiel) et relatives au secteur pittoresque du

centre-ville Rideau dans le Plan secondaire du cœur du centre-ville du secteur central et du secteur est (nouvelle version du Plan officiel)

Politiques applicables

Les politiques suivantes de la version actuelle du Plan officiel justifient cette demande.

Environnement piétonnier

La section 3.6.6 (Secteur central) comprend des politiques destinées à améliorer et à rehausser l'environnement piétonnier, ainsi qu'à mieux tenir compte des politiques du Plan secondaire du secteur central pour rehausser le caractère physique et l'identité des rues distinctes, des rues thématiques, des secteurs pittoresques et des districts de conservation du patrimoine du secteur central.

Protection des ressources du patrimoine

La section 3.6.6 (Secteur central) comprend des politiques qui rappellent celles du Plan secondaire du secteur central, qui sont destinées à améliorer les ressources patrimoniales exceptionnelles des rues distinctes, des rues thématiques, des secteurs pittoresques et des districts de conservation du patrimoine du secteur central.

La section 1.6 du Plan secondaire du secteur central précise que les projets d'aménagement attrayants doivent rendre compte de l'ère nouvelle de l'esthétique urbaine dans le secteur central. Les bâtiments doivent épouser une série de profils en contribuant au sentiment d'échelle humaine dans les environs de l'avenue Daly et de la rue Nicholas. L'ambiance patrimoniale distincte de cet important groupe de bâtiments sera protégée et valorisée pour en préserver le contexte historique et le caractère, de même que pour en accroître la visibilité.

Les politiques du nouveau Plan officiel justifient cette demande. Les plans locaux établissent des politiques plus circonstanciées, qui viennent orienter la croissance et le changement dans certains secteurs ou quartiers. Ces plans adaptent et mettent en œuvre l'approche globale de planification du Plan officiel; ils peuvent toutefois déroger à certaines politiques pour s'adapter aux contextes locaux. La propriété visée se trouve dans le périmètre du Plan secondaire du cœur du centre-ville du secteur central et du secteur est.

Environnement piétonnier

La section 4.6.2 du Plan secondaire du cœur du centre-ville du secteur central et du secteur est pour la zone du centre-ville de Rideau indique que le projet d'aménagement doit favoriser la vitalité de la rue et la piétonnabilité de cette rue dans ses usages et sa forme et doit rehausser la visibilité du groupe de bâtiments patrimoniaux à proximité de l'avenue Daly et de la rue Nicholas.

La section 4.6.3 du Plan secondaire du cœur du centre-ville du secteur central et du secteur est indique que la Ville doit respecter la priorité attribuée aux modes de transport durables dans le centre-ville de Rideau, notamment en prévoyant des infrastructures de modération de la circulation et des infrastructures confortables pour les piétons et les cyclistes.

Protection des ressources patrimoniales

La section 3.4 (Patrimoine) du Plan secondaire indique que les travaux d'aménagement doivent respecter le caractère patrimonial du secteur et les politiques de la section 4.5 (Le patrimoine culturel et l'archéologie) du volume 1 du nouveau Plan officiel.

La section 4.5.2 du nouveau Plan officiel indique que la désignation patrimoniale doit en partie à assurer l'aménagement adapté au contexte et n'a pas pour objet de décourager la densification ni de limiter le choix de logements.

Autres questions

Permis patrimoniaux

La demande de permis patrimonial ([ACS2022-PIE-RHU-0026](#)) se rapportant à ce projet a été approuvée par le Conseil municipal le 22 juin 2022 et permet de déplacer le Bureau d'enregistrement municipal à environ 20 mètres au nord de sa localisation existante.

Une deuxième demande de permis patrimoine ([ACS2022-PIE-RHU-0029](#)) a été présentée au sous-comité du patrimoine bâti le 23 août 2022 et sera entendue par le même comité de l'urbanisme que la demande de rezonage. Le personnel du patrimoine recommande au comité de l'urbanisme de permettre la modification, en vertu de la Loi sur le patrimoine de l'Ontario, du bureau d'enregistrement de la ville situé au 70, rue Nicholas, conformément aux dessins préparés.

Le personnel de la Ville a en outre indiqué que la réinstallation et la transformation du Bureau d'enregistrement municipal contribuent à la protection et à la valorisation de l'édifice de ce bureau et des bâtiments tout proches dans le comté de Carleton et que les travaux sont adaptés, dans leur intégration, au réaménagement du quadrilatère de la Cour des arts.

Réglementation du plan d'implantation

Une demande de réglementation du plan d'implantation a été déposée de front avec la demande de modification du *Règlement de zonage*, et l'examen de ces deux demandes se déroule dans le même temps. Les approbations ne seront délivrées que lorsque le zonage de ce projet sera définitif et exécutoire.

Consultation et commentaires du public

La notification et la consultation publique se sont déroulées conformément à la Politique de notification du public et de consultation publique approuvée par le Conseil municipal pour les modifications du *Règlement de zonage*.

Une assemblée de consultation publique, organisée par le Bureau de Mathieu Fleury, conseiller municipal, a eu lieu le 1^{er} mars 2022. Quatre-vingt-douze personnes s'y étaient inscrites, en tenant compte du personnel de la Ville et de l'équipe du requérant.

Action Côte-de-Sable (association communautaire) et une vingtaine de membres du public ont fait des commentaires ou ont demandé à être notifiés pour toutes les réunions ou décisions se rapportant à ce projet.

Les commentaires exprimés par la collectivité étaient essentiellement constitués d'avis défavorables. Ceux qui sont contre le projet ont mis en lumière l'achalandage, la sécurité des piétons, la protection du patrimoine, ainsi que la hauteur et la volumétrie des immeubles, qui sont leurs principaux motifs d'inquiétude.

Le lecteur trouvera dans la pièce 3 les détails fournis directement au personnel de la Ville à propos de la consultation.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

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

Site location

70 and 74 Nicholas Street

Owner

Viking Rideau Corporation / Cadillac Fairview Corporation Limited (Aaron Cameron)

Applicant

FoTenn Planning + Design (Paul Black)

Architect

Zeidler Architect

Description of site and surroundings

The subject site is located on the block bound by Nicholas Street, Daly Avenue, Colonel By Drive, and Mackenzie King Bridge. The CF Rideau Centre is located on the same property. The subject portion of the site has a total area of 2,986 square metres with approximately 107 metres of frontage along Nicholas Street and 38 metres of frontage along Daly Avenue. The site is also currently occupied by the City Registry Office, which is designated under Part IV of the *Ontario Heritage Act*.

Within the vicinity of the site, the area is characterized by a mix of land uses. To the north of the property is a multi-level, publicly-accessible parking garage with access from Daly Street. Further north is the Rideau O-Train Station and the ByWard Market. To the east are institutional uses, including Arts Court and the Ottawa Jail Hostel. The buildings east of the property along with the City Registry Office form part of the Judicial District, a heritage building cluster that also includes the Albion Hotel, former Courthouse, and Jail. To the south are the Mackenzie King Bridge (an elevated crossing over Nicholas Street) and the main campus of the University of Ottawa as well as uOttawa O-Train Station and the Rideau Canal Eastern Pathway. To the west is CF Rideau Centre and further west is the central business district of Ottawa and the Parliament Buildings.

Summary of requested Zoning By-law amendment proposal

The purpose of this rezoning is to accommodate the development of a 21-storey mixed-use building consisting of 288 dwelling units above 192 square metres of at-grade retail space. The development proposes to relocate the City Registry Office further north on the site and to integrate it into the base of the new development. The upper floors of the

building are proposed to be visually separated into two volumes with 20-storeys for the north portion and 21-storeys for the south portion. Lobby and amenity spaces are proposed in the first three storeys, as well as 219 bicycle parking spaces accessed from the south end of the building. In total, 6,796 square metres of amenity spaces is provided including 2,020 square metres of communal amenity area. The applicant is proposing a new two-level, 103-space, underground parking garage accessed from a new vehicle ramp via Nicholas Street at the south end of the subject property.

The subject site is currently zoned Mixed-Use Downtown Zone, Urban Exception 1425, Schedules 55, 56, 57, 64 (MD[1425] S55,56,57,64). The rezoning seeks to add a new site-specific exception and remove the heritage overlay for the subject property with provisions generally as follows:

1. To permit 15 visitor vehicle parking spaces, whereas 27 spaces are required and may be provided in the adjacent Rideau Centre parking garage.
2. To permit a minimum of 9.5% of the ground floor to be occupied by the listed active uses, whereas at least 50% is required.
3. To permit the relocation of the existing City Registry Office building and to permit the below grade parking garage to extend closer to the property line than the relocated heritage building by removing the heritage overlay currently in place.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments.

A public consultation meeting, hosted by Councillor Fleury's office, was held on March 1, 2022. There were 92 registrants, which included staff and the applicants team.

Action Sandy Hill (Community Association) and approximately 20 members of the public provided comments or indicated to be notified of any meetings or decisions regarding this project.

Comments received from the community consisted of mostly opposition. Those in opposition highlighted traffic, pedestrian safety, protection of heritage, and height & massing as their main concerns.

Consultation details provided directly to staff are provided in Document 3.

Official Plan designation(s)

The rezoning application for this proposal was received following the adoption of the new Official Plan on October 26, 2021. In this current period, between Council approval of the new Official Plan and the Minister's approval of the new Official Plan, staff are to evaluate the proposed rezoning against the existing Official Plan and must also include an evaluation of the application against the Council approved new Official Plan and apply whichever provision, as between the current and new Official Plans, is more restrictive.

Current Official Plan

The following current Official Plan policies support the proposed Zoning By-law amendment request.

Intensification

Strategic Directions for Managing Growth:

1. Section 2.2.2, Policy 10 indicates that intensification may occur in a variety of built forms provided urban design and compatibility objectives are met. Denser development should be located in areas that support the rapid transit and transit priority networks and in areas with a mix of uses. Building heights and densities for different areas may be established through this plan or a secondary plan and will be implemented through zoning.
2. Section 2.2.2, Policy 11 states that the distribution of appropriate building heights will be determined by the location in a target area for Intensification (in this case the Central Area); and the design and compatibility of the development with the surrounding context and planned function, with buildings clustered with other buildings of similar height.

Staff are satisfied that the built form meets urban design and compatibility objectives and that proposed densities are appropriate.

Appropriate Building Heights

Strategic Directions for Managing Growth:

3. Section 2.2.2, Policy 14 states that building heights are established in the land use designation policies of Section 3 of the Official Plan but notes that Secondary

Plans may specify greater or lesser building heights where the heights are consistent with the strategic directions of Section 2. Existing zoning that permits a greater height than set out in this Official Plan will remain in effect.

- a. Building Heights for the subject property are not referenced in the Central Area Secondary Plan.
- b. Current Zoning permits a building height of 135 to 137 metres elevation above sea level (e.a.s.l.) as per Schedule 57, which reflects Annex 8B (Maximum building heights and angular planes) of the current Official Plan. The proposed height is 132.6 metres e.a.s.l.

Building heights proposed are currently permitted.

Pedestrian Environment

4. Section 3.6.6, Policy 2 (d) states that the City will support the Central Area's role by ensuring development applications have regard for the Central Area Secondary Plan policies to enhance the physical character, identity, and unique heritage resources of the Central Area's distinctive streets, theme streets, character areas, and heritage conservation districts.
5. The Central Area Secondary Plan, Section 1.6 states that the pedestrian environment of the Rideau/Congress Centre area will be greatly enhanced as improvements to traffic circulation in the Central Area, east of the Canal, are affected. The promotion and enhancement of other identifiable pedestrian links will be an integral part of achieving an improved pedestrian environment within the Rideau/Congress Centre area.
6. Section 3.6.6, Policy 6 of the Official Plan states that the City shall improve and enhance the pedestrian environment in the Central Area by various means including:
 - i. Providing outdoor/indoor green open space and pedestrian amenity areas.
 - ii. Providing soft and hard landscaping elements, which contribute and are sensitive to the character of the area;
 - iii. Protecting and enhancing established public courtyards, pedestrian malls and circulation systems in the Central Area;

- iv. Preserving the established architectural integrity of existing buildings, streets and areas;

Staff are satisfied that the pedestrian environment is being improved and enhanced, with the proposed development, which proposes active at-grade uses and the retained heritage building framing the street, reduced street width, transparent glazing, increased sidewalk widths, and a comprehensive landscape plan interfacing with the public realm. In addition, ground-floor commercial space is proposed as part of the development to complement and serve the residents of the new building and those in the surrounding community.

Protection of Heritage Resources

7. Section 3.6.6, Policy 2 (d) states that the City will support the Central Area's role by ensuring development applications have regard for the Central Area Secondary Plan policies to enhance the physical character, identity, and unique heritage resources of the Central Area's distinctive streets, theme streets, character areas, and heritage conservation districts.
8. The Central Area Secondary Plan, Section 1.6 states that attractive development will reflect a new era of urban design in the Central Area. Buildings will follow a range of profiles while contributing to a sense of human scale, from higher profile hotels and office uses to the low-profile cluster of heritage buildings in the vicinity of Daly Avenue and Nicholas Street. The distinct heritage ambience of this significant group of buildings will be protected and enhanced in a manner that retains its historic context and character and increases its visibility. A sense of Ottawa's civic heritage will be captured as the Carleton County buildings and the City Registry are restored and sensitively integrated with the Arts Court block redevelopment and the expansion of the Congress Centre, respectively.

Staff are satisfied that the proposed development contributes to the protection and enhancement of the City Registry Office and the nearby Carleton County buildings and sensitively integrated with the Arts Court block redevelopment.

New Official Plan

The following new Official Plan policies support the proposed Zoning By-law Amendment request. In the new Official Plan, the subject lands are within the Downtown Core Transect and designated as Hub.

Intensification

1. Section 2.2.1, Policy 1 indicates that the intent to direct residential intensification towards Hubs, Corridors and surrounding Neighbourhoods where daily and weekly needs can be accessed within a short walking distance. This direction will contribute to the needs of an increasingly diverse population with a range of abilities, incomes, ages and cultural needs by enhancing accessibility to more vibrant areas with social interaction, cultural organizations, health services and community facilities.
2. Section 3.2 further indicates that highest rates of residential intensification for the City should be in Downtown Core Hubs at 350 dwelling units per net hectare.
3. Section 5.1.3 indicates that the tallest buildings and greatest densities should be in the Downtown Core Transect
4. Section 6.1.1 indicates that a strategic purpose of Hubs is to establish higher densities than surrounding areas conditional on an environment that prioritizes transit users, cyclists and pedestrians, as well as excellent urban design.

Staff are satisfied that the proposed densities are appropriate.

Urban Design

5. The proposed development is within a Design Priority Area as Section 4.6.1 of the new Official Plan and was therefore subject to review by the City's Urban Design Review Panel (UDRP). More specific input is included below.
6. Urban Design staff have conducted design reviews in accordance with relevant laws and policies, including the *Planning Act*, the Official Plan, and the Site Plan Control By-law and will continue to review the evolving design for the Site Plan Control application, that was filed concurrently. For the purposes of the proposed rezoning, urban design staff are supportive of the amendments requested.

Staff are satisfied that the built form meets urban design and compatibility objectives.

Appropriate Building Heights

7. Section 5.1.3, Policy 1 indicates that high-rise buildings may be permitted in the Downtown Core Hubs subject to: protected views specific in subsection 4.6.2; limits on building heights and massing established through secondary plans;

urban design policies in subsection 4.6 or as a result of the application of heritage conservation policies in subsection 4.5.

- a. Building Heights for the subject property are referenced in the Central and East Downtown Core Secondary Plan to be the Angular Height Plane.
- b. Central Area Maximum Building Heights are provided in Schedule C6-B, and for the subject property are between 135 to 137 metres elevation above sea level (e.a.s.l.) The proposed height of the subject property is 132.6 metres. e.a.s.l.

Building heights proposed are currently permitted.

Pedestrian Environment

8. Section 4.6.2 of the Central and East Downtown Core Secondary Plan for the Downtown Rideau area indicates that development should support active, pedestrian-oriented street life through its uses and forms. The secondary plan further indicates that development should ensure an appropriate profile transition to the cluster of heritage buildings in the vicinity of Daly Avenue and Nicholas Street and enhance the visibility of these heritage assets.
9. Section 4.6.3 of the Central and East Downtown Core Secondary Plan indicates that the City will reflect the priority placed on sustainable modes in the Downtown Rideau area, notably through providing traffic calming and comfortable pedestrian and cycling infrastructure.

Staff are satisfied that the pedestrian environment is being improved and enhanced, with the proposed development, which proposes active at-grade uses and the retained heritage building framing the street, reduced street width, transparent glazing, increased sidewalk widths, and a comprehensive landscape plan interfacing with the public realm. In addition, ground-floor commercial space is proposed as part of the development to complement and serve the residents of the new building and those in the surrounding community.

Protection of Heritage Resources

10. Section 3.4 Heritage of the secondary plan indicates that development will respect the area's heritage character and where located on or adjacent to a built heritage resource, will be in accordance with the policies found in Section 4.5 - Cultural Heritage and Archaeology of Volume 1 of the Official Plan.

11. Section 4.5.1 of the new Official Plan indicates that the City shall maintain a municipal heritage committee to advise and assist Council on heritage matters under the *Ontario Heritage Act* and on other heritage matters associated with the built environment and cultural heritage landscapes.
12. Section 4.5.2 of the new Official Plan indicates that the Heritage designation is, in part, intended to ensure contextually appropriate development and is not intended to discourage intensification or limit housing choice. Elements of the built form, including height, scale and massing, of such development shall ensure that the defined cultural heritage value and attributes of the property will be conserved, while balancing the intensification objectives.
13. As described further under Other Matters below, this project includes the City Registry Office property which is designated under Part IV of the *Ontario Heritage Act*, and has also been the subject of approvals of the Built Heritage Sub-Committee.

Staff are satisfied that the proposed development contributes to the protection and enhancement of the City Registry Office and the nearby Carleton County buildings and sensitively integrates with the Arts Court block redevelopment.

Other applicable policies and guidelines

The Urban Design Guidelines for High-Rise Buildings apply to this development. These urban design guidelines are to be used during the review of development proposals to promote and achieve appropriate high-rise development.

Heritage

The City Registry Office (“CRO”) is situated on the subject property. It was constructed in 1873 and was designated under Part IV of the *Ontario Heritage Act* in 1978. Heritage attributes are listed in the designation by-law.

Heritage Overlay provisions in Zoning By-law 2008-250 (Section 60) are applicable and exemptions to the provisions are required to facilitate the proposed development.

The proposed development is subject to other applications that have or will come before the Built Heritage Sub-Committee (BHSC) and this Planning Committee.

BHSC - June 20, 2022

The first heritage permit application ([ACS2022-PIE-RHU-0026](#)) related to this project was approved by City Council on June 22, 2022 and allows for the on-site relocation of the City Registry Office, approximately 20 metres north of its existing position.

BHSC - August 23, 2022, Planning Committee September 8, 2022

The BHSC report [ACS2022-PIE-RHU-0029](#) recommends:

That the Built Heritage Sub-Committee recommend that Council:

- Approve the application to alter the City Registry Office, 70 Nicholas Street, according to the drawings prepared by Zeidler Architecture, dated April 29, 2022;
- Delegate the authority for minor design changes to the General Manager, Planning, Real Estate and Economic Development Department; and
- Approve the issuance of the heritage permit with a two-year expiry date from the date of issuance unless otherwise extended by Council.

It is anticipated that Report [ACS2022-PIE-RHU-0029](#) is before Planning Committee for consideration today.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law Amendment application and Site Plan Control application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal to the UDRP at a formal review meeting on April 1, 2022, which was open to the public.

The full panel recommendation is included in Document 4.

The panel was successful in aiding the implementation of the following:

- Positive changes to the public realm
- Reducing the perceived bulk of the building
- Expansion of the space between the Registry Building and the lobby
- Revisions of the base and study of patterns, rhythm, and abstraction of elements on the Registry building

The final design will continue to be reviewed through Site Plan

Planning Rationale

The current zoning for the subject property aligns with the new and old Official Plan policies, including the secondary plans, including for density and height. The specific constraints of the property and specific needs for the project require the requested zoning by-law amendments for this project. The subject site is recommended to be rezoned to create a new site-specific Urban Exception for the subject property, generally as follows:

1. To permit 15 visitor vehicle parking spaces, whereas 27 spaces are required, to be located in the adjacent Rideau Centre parking garage.

The proponent originally requested to provide zero visitor parking spaces. Staff did not support zero visitor parking because, although residents choose their home knowing if there is parking or not, visitors represent a relatively inflexible demand for specific parking circumstance which would otherwise be externalized onto the street parking supply. However, given the ample parking nearby and the proximity to higher-order transit, staff support the provision of 15 visitor parking spaces. The visitor parking will be assigned through dedicated parking spaces within the Rideau Centre parking garage. This arrangement of “off-site” parking is also permitted from Section 93 of the Zoning By-law (one lot for zoning purposes) as the subject lands are commonly owned and managed.

2. To permit a minimum of 9.5% of the ground floor to be occupied by the listed active uses, whereas at least 50% is required.

The purpose for the minimum 50% requirement is to support the commercial character of downtown streets. Nicholas Street is not a typical shopping street. Considering the proximity and close access to the Rideau Centre, retail opportunities are provided nearby and the building design provides glazing for active frontages in the design of the lobby and, where possible, the CRO building. Staff acknowledge that meeting the 50% requirement, in this context, would not add benefit to this project. Furthermore, through the subsequent heritage and site plan approvals staff can explore other opportunities to provide at-grade animation and public realm enhancement.

3. The subject property is currently subject to the heritage overlay, which imposes provisions of Section 60 of the Zoning By-law to designated heritage buildings such as the location and regulations affecting additions. In consultation with Heritage staff, it is recommended to remove the heritage overlay from this

property as the designated CRO building is adequately protected through its heritage designation as well as the heritage permit process. Staff support moving the CRO building and its integration into the new development.

The CRO's existing location was selected for its proximity to the courthouse (constructed in 1870) and is considered one of the property's heritage attributes. The proposed relocation of the CRO on the same property will maintain its orientation along Nicholas Street thereby conserving its contextual value defined by its proximity and informal relationship to the historic Carleton County Court House and Gaol. Further, the common architectural features shared by the buildings such as the salmon-gold brick will be preserved, helping to maintain the relationship.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury has stated:

“As the Councillor of one of Ottawa's oldest communities, I love that I represent an area with a long-standing history and newly built buildings that help shape Ottawa's future. And both tell stories of how Ottawa came to be and what it will become.

Just as essential as having these stories, the buildings and their historic preservation are crucial to building our great City.

One of our most well-known locations in this City is the Rideau Centre. This centre is Ottawa's main shopping centre, serving locals, visitors and all Ottawa residents.

In many ways, this centre, located in our City's core, is not only there for shopping needs but also a meeting point, a transit hub, a gathering space and a location that has, over many years, remained a beacon for our town.

I was pleased when presented with plans to add to this private property meaningfully.

Cadillac Fairview Corporation Limited (C.F. Rideau Centre) is proposing to redevelop the property at 70 Nicholas St. into a high-rise, mixed-use building with commercial uses at grade and rental residential units above.

This proposal will add 280 rental apartment dwellings with accompanying amenity spaces. It will also include the City Registry Office.

C.F. Rideau Centre has delicately approached the vision of integrating the City Registry Office (CRO), located at 70 Nicholas St., into its redevelopment plans for the Rideau Centre, making this a focal point and welcoming atrium for its new residential building.

The Registry Building, a single-storey brick structure, formed the judicial district of 19th century Ottawa along with the former Carleton County Courthouse and County Jail.

Too often, I find we are faced with the predisposition of demolitions, significant alterations, or uncharacteristic design when discussing heritage buildings. I am pleased to say that this is not only not the case. We are presented with a plan that protects, highlights, and empowers a historic building in the City of Ottawa's history with the residential expansion of the Rideau Centre along Nicholas Avenue. CF Rideau Centre has demonstrated its seriousness in protecting and investing in heritage properties with the recent work to protect the Ogilvy building located at the corner of Rideau and Nicholas (Ogilvy Plaza) area of the property.

For years, the Registry Building has remained closed and unused. This integration with the new development will allow this beautiful building to come alive again stylishly and thoughtfully. This decision protects the building and puts risks of damage at a minimum and conservation at the top of mind for Ottawa's oldest community.

As with many applications, this one is not void of site plan-specific concerns, including properly integrating cycling and pedestrian movement from Nicholas to MacKenzie Avenue and connecting missing links – sidewalk and cycling – to our existing networks.

There is an opportunity to create bidirectional cycling lanes, connecting Rideau Street to Laurier's cycling infrastructure along Nicholas Street.

I look forward to working with the C.F. Rideau Centre to ensure these links are defined and that family units are included in the proposal, which currently is mainly one and two-bedrooms.

Finally, this proposal and subsequent move for the Registry building will continue to make this centre a focal point in our core. This new proposal will reinvigorate and create

a welcoming public realm for Nicholas Street, with a new welcoming entrance to Ottawa's most important commercial property with the addition of residential rental units.”

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendations in this report

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility implications for the requested Zoning By-law amendment. The new building will be required to meet the accessibility criteria contained within the Ontario Building Code.

ENVIRONMENTAL IMPLICATIONS

A Phase I and a Phase II Environmental Site Assessment were prepared in order to address areas of potential environmental concerns. It is recommended that an environmental site remediation program, involving the removal of all impacted fill material be completed prior to site redevelopment. Prior to off-site disposal of the impacted soil at a licenced landfill site, a leachate analysis of a representative sample of contaminated soil must be conducted in accordance with Ontario Regulation 347/558. It is also recommended that the monitoring wells installed on the Phase II Property remain viable for future monitoring, if required. It is expected that groundwater monitoring wells will be abandoned in accordance with O.Reg.903 at the time of the construction excavation. These recommendations will be implemented within the forthcoming Site Plan Control approval.”

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0141) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of the proposal.

SUPPORTING DOCUMENTATION

Document 1 Zoning Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Urban Design Review Panel (UDRP) Recommendations April 1st, 2022

CONCLUSION

The proposed development introduces intensification through a high-rise building in a manner consistent with the current and new Official Plan and the current and new secondary plan while incorporating the restoration of a heritage building. The development fits within the existing and planned context and is a compatible use. The requested zoning amendments are generally minor in nature and staff recommend approval.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

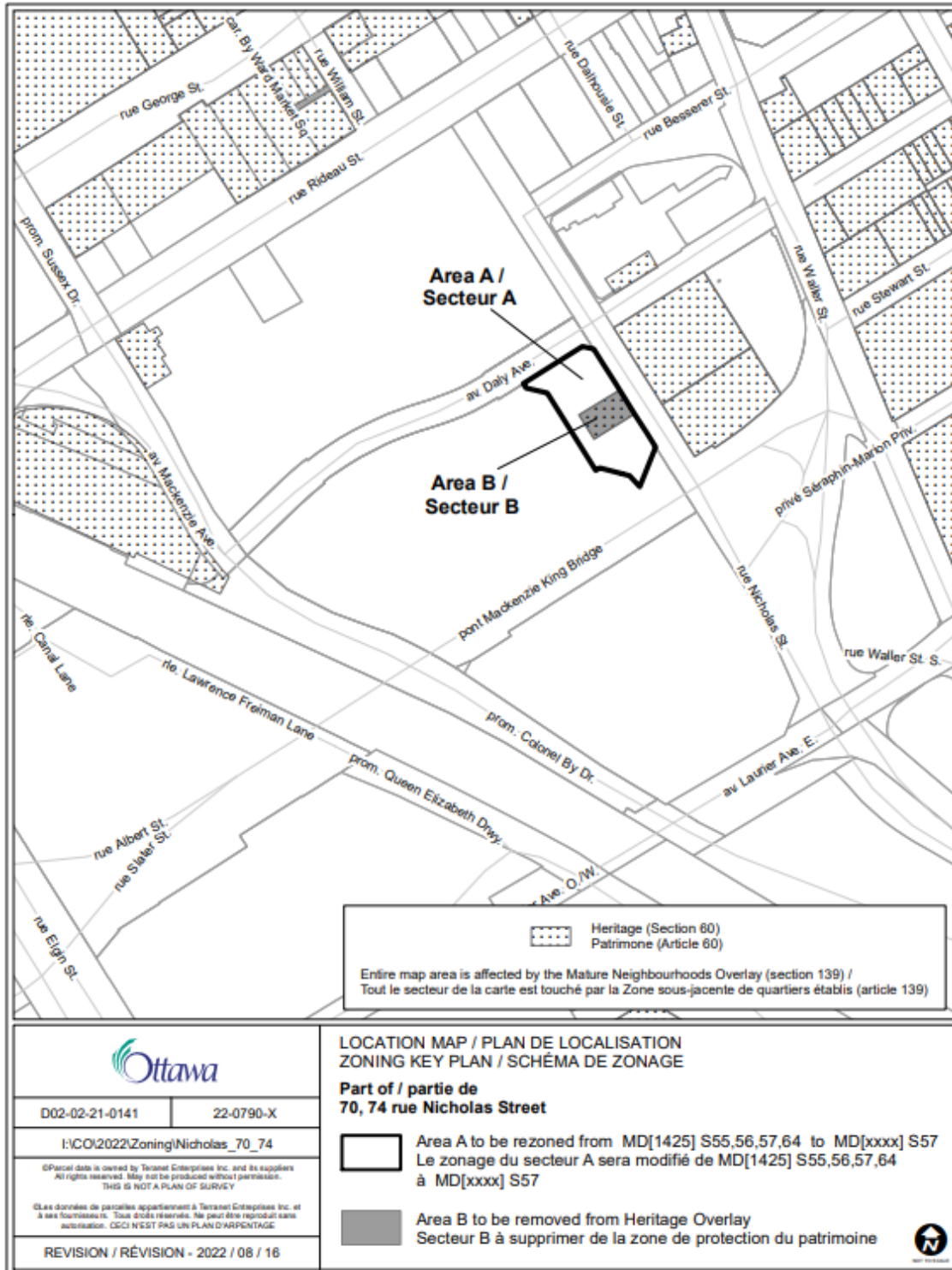
Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa

Location Map showing 70 and 74 Nicholas Street.



Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 70 and 74 Nicholas Street are as follows:

1. Remove the heritage overlay, as it relates to the Canada Registry Office, and rezone the subject site as shown in Document 1.
2. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - a. In Column I, add MD [xxxx] S57
 - b. In Column V:
 - i. Minimum 15 visitor motor vehicle parking spaces required which may be provided on adjacent land subject to Section 93 (one lot for zoning purposes).
 - ii. Minimum 9.5 % of the ground floor to be occupied by a listed use in Section 193 (2).

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. A public meeting was also held in the community on March 1, 2022.

Public Comments and Responses

Comment Theme 1 - Transportation:

Public comments noted concerns related to potential increases in congestion and worsening pedestrian safety as a result of this proposal. Comments also noted a lack of consideration for pedestrian safety and active transportation infrastructure included in this proposal.

Staff Response

Transportation staff have reviewed and concurred with the provided Transportation Impact Assessments (TIA), noting that the proposal will not generate excessive vehicular traffic volumes beyond the capacity of the road infrastructure.

Staff are satisfied with the improvements proposed for the pedestrian environment and public realm, including reduced street widths, increased sidewalk widths, and a comprehensive landscape plan interfacing with the public realm along Nicholas Street.

Comment Theme 2 - Heritage

Public comments emphasized concerns related to the relocation of the CRO building and the structural feasibility of this process.

Comments also noted concerns related to the integration of the CRO building into the ground floor of the proposed development, and the utility of this space while retaining its heritage value.

Staff Response:

Regarding the relocation of the CRO building, please refer to the staff report and recommendation approved by City Council dated June 22, 2022.

Regarding the integration of the CRO building into the proposed development, heritage staff have provided Planning Committee with a report and recommendation for approval

of the heritage application File No. ACS2022-PIE-RHU-0029) to be presented September 8, 2022. Staff recommend approval of the application as it was shown to be compatible with the CRO building and the proposal considers and maintains the heritage value of the existing structure.

Comment Theme 3: Height & Massing:

Public comments were concerned with the height and massing of the proposal and the potential for significant views to be blocked by the building.

Concerns were also raised relating to the proposed 21-storey building visually overwhelming the CRO building.

Staff Response:

Staff have advised that the proposal does not lie within a key view plane, as indicated in Annex 8A of the Official Plan, but the site does fall under background height controls. The proposed building height adheres to the angular plane and maximum heights established in Annex 8B of the Official Plan.

Heritage staff maintain that the proposed development and integration of the CRO building is compatible and respects the built heritage of the existing structure.

Community Organization Comments and Responses

Comment 1: Obstruction of significant views

Staff Response: The site does not sit within any view plane protection areas, as indicated by the Official Plan, and is within the height limits and angular plane thresholds permitted by the background height controls.

Comment 2: Lack of pedestrian connection from Nicholas Street towards MacKenzie King Bridge

Staff Response: Staff, as indicated in this report, maintain that the alterations and additions to the pedestrian infrastructure are sufficient and warrant a recommendation for approval.

Comment 3: Removal of traffic lane on west-side of Nicholas Street

Staff Response: Staff maintain that the removal of this traffic lane contributes to greater pedestrian safety in the area and transportation staff concur with the findings of the Transportation Impact Assessment supporting this alteration.

Comment 4: Failure to accommodate active transportation connections along Nicholas Street

Staff Response: Staff are satisfied with the at-grade public realm improvements of this proposal as it relates to active transportation.

Document 4 - Urban Design Review Panel (UDRP) Recommendations April 1, 2022

70 NICHOLAS STREET | Formal Review | Zoning By-law Amendment and Site Plan Control Application | CF Cadillac Fairview; zeidler; NEUF Architect(e)s; Barry Padolsky Associates Inc.; Commonwealth; Fotenn Planning + Design; CSW

John Stewart has declared a conflict of interest and has recused himself from commenting on this file.

Summary

- The Panel thanked the proponent for the presentation. The high degree of design and the team's response to the Panel's previous comments are generally appreciated however one panel member prefers the previous massing which had a jog between the two wings as opposed to angling two wings.
- The majority of the Panel generally supports the canted section of the building, and the architectural treatment is supported, including the glazing; however, there are mixed views regarding the projected balconies. There is a concern that projecting balconies will compromise the building's clean aesthetic.
- The Panel appreciates the changes made to the public realm and understands that underground servicing poses a constraint; however, the Panel believes the public realm should continue to evolve as the streetscape lacks a coherent vision.

Architectural Expression

- The Panel appreciates the goals and aspirations of the proposal with the high-rise building as a backdrop to the Registry Building; the site's jewel.
- The canting of the building is generally supported by the majority of the panel members as it defines the public space in front of the building and partially screens the bridge structure and loading area. The canted wing's architectural expression should be expressed differently to distinguish between the two volumes. The condominium building on Edward Street in Toronto was cited as an example where different cladding materials visually separate the two large volumes.
- There is an opportunity to break up the tower massing by recessing the hinge element and wrapping the top of the northern volume to create a distinction

between the two tower volumes on either side. Additionally, relocating the elevators to the hinge point will create an opportunity to open the views from the elevator lobbies.

- There was a suggestion to break up the north end façade in a similar manner as the southern facade to reduce the perceived bulk of the building.
- Insetting the balconies would create a more simplified expression.
- The Panel recommends recessing the residential entrance and reducing the size of the canopy and refining the retail entrance canopy to provide more subdued signage for the Rideau Centre that doesn't compete with the heritage building.
- The base of the tower should be recessed further to create the effect of it disappearing behind the Registry Building and not competing with it.
- One suggestion was to explore aligning the brick façade of the north canted section parallel with the street with a reveal in the two to give the impression of two pavilions, one with the heritage building and another framed parallel to the Ottawa Jail Hostel across the street.

Heritage Building

- The Panel appreciates the expansion of the space between the Registry Building and the lobby. However, the Panel believes the heritage building still feels a bit pinched due to its proximity with the drop-off area. Shifting the Registry building further north would provide more breathing room and create a formal garden around it.
- The treatment of the tower façade at the Registry Building should be as glassy as possible. The proponent should consider removing the mullions and instead exploring an aluminum silicone frame or aluminum spider joints to create a seamless transition between the interior and exterior.

Materiality

- The Panel appreciates the revision of the base and study of patterns, rhythm, and abstraction of elements on the Registry building. The building's simplicity relies on the execution of simple details in balcony guards and dividers. The proponent should study the fritted glass balconies to ensure a clean aesthetic is maintained.

- The masonry mimicking of the Registry building's colour and proportions might not be as successful as desired; the design expression should be as simple and quiet as possible. The proponent should explore aligning the datum line from the north wing above the Registry building and continuing it across the podium to the south. The use of the same glass pattering will ensure that the Registry Building is seen against a glass backdrop from different angles.

Public Realm and Landscaping

- The Panel believes a comprehensive landscape plan is needed. The small green spaces around the Registry Building need to be rethought, and the vegetation next to the walkway creates a barrier rather than opening up the area to create a plaza. Similarly, the tree next to the heritage building looks out of place.
- The proponent should consider expanding the green area around the Registry Building to create a condition similar to the way in which the building was previously situated.
- The Panel appreciates the proposed dog park, and there is general support for its implementation as it creates a moment of interest along Mackenzie bridge. The proponent should consider introducing decorative screening of the dog park and adding trees to soften and enhance the space.
- There is an opportunity to introduce more pedestrian-level elements such as public art and lighting at street level to enhance the heritage building.
- Elements such as pervious paving and green roof treatment should be considered to enhance sustainability.