

**Subject: Zoning By-law Amendment – 142, 144 and 148 Nepean Street;
Demolition Control – 142 Nepean Street**

File Number: ACS2022-PIE-PS-0073

Report to Planning Committee on 25 August 2022

and Council 31 August 2022

**Submitted on June 21, 2022 by Derrick Moodie, Director, Planning Services
Planning, Real Estate and Economic Development**

Contact Person: Andrew McCreight, Manager, Development Review Central

613-580-2424, 22568, Andrew.McCreight@ottwa.ca

Ward: Somerset (14)

**Objet : Modification du Règlement de zonage – 142, 144 et 148, rue Nepean;
autorisation de démolition réglementée – 142, rue Nepean**

Dossier : ACS2022-PIE-PS-0073

Rapport au Comité de l'urbanisme

le 25 août 2022

et au Conseil le 31 août 2022

**Soumis le 21 juin 2022 par Derrick Moodie, Directeur, Services de la planification,
Direction générale de la planification, des biens immobiliers et du développement
économique**

**Personne ressource : Andrew McCreight, gestionnaire, Examen des demandes
d'aménagement centrale**

613-580-2424, 22568, Andrew.McCreight@ottwa.ca

Quartier : Somerset (14)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 142, 144 and 148 Nepean Street related to a surface parking lot as detailed in Document 2.**

2. The Planning Committee recommend Council approve Demolition Control application D07-05-21-0004 concerning 142 Nepean Street as per the conditions provided in Document 3.
3. The Planning Committee recommend Council approve that the implementing Zoning By-law and approval for Demolition Control not proceed to Council until such time as the Memorandum of Understanding, detailed in Document 4, has been executed by the applicant and/or owner.
4. The Planning Committee recommend Council direct staff to execute the Memorandum of Understanding following the by-law being in full force and effect.
5. 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 August 31, 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 d'approuver une modification du Règlement de zonage no 2008-250 visant les 142, 144 et 148, rue Nepean et concernant un parc de stationnement de surface, comme le précise le document 2.
2. Que le Comité de l'urbanisme recommande au Conseil d'approuver la demande de réglementation de la démolition no D07-05-21-0004 visant le 142, rue Nepean, conformément aux conditions énoncées dans le document 3.
3. Que le Comité de l'urbanisme recommande au Conseil d'approuver que la modification du Règlement de zonage et l'approbation de la demande de réglementation de la démolition ne soient pas présentées au Conseil tant que le protocole d'entente, présenté en détail dans le document 4, n'aura pas été signé par le requérant ou le propriétaire.

4. **Que le Comité de l'urbanisme recommande au Conseil d'approuver que l'on demande au personnel de signer le protocole d'entente une fois que la modification du Règlement est pleinement en vigueur.**
5. **Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux “exigences d'explication” aux termes de la *Loi sur l'aménagement du territoire* à la réunion du Conseil municipal prévue le 31 août 2022 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.**

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

Zoning By-law Amendment: 142, 144 and 148 Nepean Street

Demolition Control: 142 Nepean Street

Owner

Ernesto Guerra, Pino Guerra, Rosangela Guerra, Marilena Guerra
(Nepean Street Holdings Limited under purchase and sale agreement)

Applicant

Fotenn Planning + Design (Timothy Beed)

Description of site and surroundings

The subject site is comprised of three properties – 142, 144, and 148 Nepean Street – which are located west of the Nepean Street and O'Connor Street intersection. The subject site has a frontage of 30 metres along Nepean Street and lot area of 913 square

metres. The properties are currently vacant with the exception of 142 Nepean Street where a six-unit apartment building currently exists.

The immediate property to the east of the subject site is 190 O'Connor Street, an 11-storey office building. Further east across O'Connor Street at 108 Nepean Street is a parking lot that presently services 190 O'Connor Street. This existing surface parking lot provides parking for 44 vehicles and is accessed from O'Connor Street. Buildings to the west and south include several high-rise residential buildings with adjacent parking lots. Immediately north is a surface parking lot. Aside from this property, the block is primarily mid-rise apartments.

Summary of proposed development

The proposed development on the subject site is a surface parking lot to serve the existing office building at 190 O'Connor Street. The parking lot will provide parking for 30 vehicles, which represents a reduction of 14 spaces from the current parking lot, which is located at 108 Nepean Street. Landscape buffers are proposed along the east side of the parking lot as well within the interior. Landscaping within the Nepean Street right-of-way will be maintained between the property line and the edge of the existing sidewalk.

The parking lot will be divided into two sections with ingress to the site on the western section, and egress to the east. The east side of the lot, comprising roughly two thirds of the property area will contain 20 stalls oriented perpendicular to the drive aisle. The private approach to this section of the parking lot will be 6.7 metres wide and will act as both an entrance and exit from the parking lot. The area to the west comprises 10 stalls, which are oriented as parallel and angled parking spaces from the one-way access on this portion of the site. To accommodate the parking lot, which will serve the existing office, the six-unit apartment at 142 Nepean Street is proposed for demolition.

Summary of requested Zoning By-law amendment proposal

The subject site is currently zoned Residential Fifth Density, Subzone B, Exception 482, Maximum Floor Space Index of 3 (R5B [482] F(3.0)). The Zoning By-law Amendment proposes to maintain the current zoning permissions while adding site-specific performance standards for the new parking lot associated with the existing office.

Details of the recommended zoning includes the following:

- Rezone the site from Residential Fifth Density, Subzone B, Exception 482, Maximum Floor Space Index of 3 (R5B [482] F(3.0)) to Residential Fifth Density

Zone, Subzone B, Urban Exception XXXX, Floor Space Index of 3.0 (R5B [xxxx] F(3.0)).

- Carry forward the non-residential additional permitted uses and regulations from Urban Exception 482 into the new site-specific exception [xxxx].
- Establish a parking rate to permit 30 parking spaces for the existing Office, whereas an Office would normally require 43 spaces.
- Reduce the required loading area required from 1 space to zero to maintain the existing legal non-complying right.
- Reduced landscape area for a parking lot to a minimum of 65 square metres (137 square metres required) and allow a reduced aisle width of 6.0 metres).

Brief history of proposal

Neither Committee nor Council have previously dealt with this application or proposed development, however, it important to be aware of the multiple corresponding applications associated with this report (142, 144 and 148 Nepean Street), and the staff report (ACS2022-PIE-PS-0072) concerning the proposed 27-storey mixed-use building with approximately 300 dwelling units at 108 Nepean Street and part of 257 Lisgar Street.

108 Nepean Street is currently a 44-space parking lot, which primarily serves as employee parking for the Office directly across the street at 190 O'Connor Street. The portion of 257 Lisgar Street exists as surface parking with approximately 15 parking spaces servicing the 10-storey apartment at 257 Lisgar Street. The Owners of these properties have agreed to consolidate these lands to create a development opportunity for a new 27-storey mixed-use building in accordance with the direction of the Centretown Secondary Plan.

With the redevelopment, one of the Owner's is looking to maintain the employee parking by demolishing the existing six-unit apartment at 142 Nepean Street to provide a 30-space parking lot in support of the Office at 190'Connor Street (which would be a contiguous site).

The proposals have been reviewed together and the staff recommendations take this into consideration, including through the provisions in the holding symbol (108 Nepean Street, part of 257 Lisgar Street, report ACS2022-PIE-PS-0072) and conditions of demolition control for 142 Nepean Street (Document 3).

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

Councillor McKenney and the applicant organized a community information session, held virtually, on September 28, 2021. Approximately 25 members of the public attended, where the applicant provided a presentation, followed by a question-and-answer period. Majority of the discussion was focused on the proposed development at 108 Nepean Street and part of 257 Lisgar Street (Report ACS2022-PIE-PS-0072).

During application review approximately 115 individuals/groups provided comments on the application. The comments submitted generally expressed opposition to the notion of demolishing an apartment for a parking lot. Of the public submissions, approximately 75 originated from an auto-generated e-mail via ACORN Canada, found [HERE](#).

For this proposal's consultation details, see Document 5 of this report.

Official Plan designation(s)

Applications must be evaluated against the [existing Official Plan](#) and must also include an evaluation of the application against the Council approved [new Official Plan](#) (and new Secondary Plan, where applicable).

In this current period, between Council approval of the new OP and the Minister's approval of the new OP, staff are to apply whichever provision, as between the current and new OP, is more restrictive.

Current Official Plan

The Official Plan (2003, as amended) designates the subject property as General Urban Area as shown on Schedule B. The site is also located within the Centretown Secondary Plan, specifically within the Apartment Neighbourhood Area.

New Official Plan

The subject site is located within the Downtown Core Transect, within the Hub designation and Evolving Neighbourhood overlay.

Policies support employment and a mix of uses. More specifically, concerning the Demolition Control application the new OP provides direction for protecting existing

rental housing and will consider applications where development nearby will ensure no net loss of units.

Other applicable policies and guidelines

The [Centretown Secondary Plan](#) applies to the subject site. As per Schedule H1 the site is designated as Apartment Neighbourhood.

Planning rationale

Official Plan (2003, as amended) (OP)

The subject site is designated General Urban Area and permits the development of a full range and choice of land uses, including residential, employment, institutional and a wide variety of residential and commercial uses. In considering the coordinated applications between this report and the application affecting 108 Nepean Street and part of 257 Lisgar Street, surface parking of 44 spaces is being removed from a corner lot that supports the existing office at 190 O'Connor Street and is to be replaced on the side street of Nepean Street with 30 spaces designed into the use and function of 190 O'Connor Street as a contiguous site. While this proposal includes demolition of an existing six-unit apartment, the coordinated applications are enabling an approximately 300-unit mixed-use development. Furthermore, the proposed development incorporates 25 affordable housing units (See Report ACS2022-PIE-PS-0072).

New Official Plan

The Council approved 'New OP' provides a stronger policy direction on the protection of rental housing that is very relevant to the unique coordination of the related applications. Policy 4.2.3(2) under the heading 'Protect existing rental housing stock and support the production of more rental units' states that "*Amendments to the Zoning By-law to reduce the number of permitted apartment dwelling units or rooming units shall not be approved unless there is an equivalent and concurrent zoning amendment nearby to ensure no net loss of apartment or rooming unit potential within the same neighbourhood*".

The related applications represent a unique scenario of land ownership and partnerships that would be extremely difficult to replicate or justify in other scenarios. The owners of 108 Nepean Street working with the owners of 257 Lisgar Street have created the opportunity to assemble land and develop a significant mixed-use building providing intensification in a manner consistent with the OP and Secondary Plan. To accomplish this, however, part of the proposal requires relocating the existing parking from 108 Nepean Street that supports the office at 190 O'Connor Street by way of

demolishing the six-unit apartment at 142 Nepean Street. Therefore, the loss of six units is being replaced by approximately 300 units, and the conditions of approval ensure that these approvals are consistent with the above noted policy in accordance with the new OP.

Centretown Secondary Plan

The associated development at 108 Nepean Street and part of 257 Lisgar Street supports the goals and policy direction of the Centretown Secondary Plan. The lot consolidation allows for the opportunity of two surface parking lots with approximately 60 parking spaces to be developed into an approximately 300 residential unit building with ground floor commercial uses, supporting intensification and growth in the urban area. Removal of these 60 parking spaces from a prime corner lot are being replaced with a 30-space parking lot away from the corner and along the interior of Nepean Street.

Regarding the proposed parking lot in support of the existing office at 190 O'Connor Street, which will be provided on a contiguous property, the parking is provided to support the employment use. Policy 3.9.5.6 of the Secondary Plan notes that parking for office buildings generally shall be located at the rear of the building or underground. Designed as a contiguous property, the new surface parking lot is located to the rear of the existing office and will be designed to enhance and continue the landscape treatment along the Nepean Street right-of-way and allow for some additional tree planting on site.

Zoning Details

With respect to the recommended zoning details and demolition the following provides a general rationale:

- The Zoning By-law Amendment application is focused on performance standards for the new parking lot. To avoid taking away any potential development rights, the current provisions in Urban Exception 482 concerning non-residential uses are being carried forward into the site-specific urban exception.
- The existing office at 190 O'Connor Street currently functions with access to the 44-space parking lot at 108 Nepean Street. The new parking lot at 30 spaces represents a reduction. The Official Plan supports a reduction in parking within the Downtown Core and especially at this site location where there is excellent access to active transit, including the Parliament O-Train Station which is 450 metres directly north on O'Connor Street. The reduction in parking while maintaining the support for the existing office is appropriate.
- While the proposed parking lot does not meet the minimum landscape requirements, the design allows continuing the landscape treatment along Nepean Street and allows for the interior of the parking lot to be landscaped,

including room for a new tree planting. Driveway entrances will be minimized, and the sidewalk will remain continuous across the site frontage.

- Concerning the loading spaces requirement, the existing office currently enjoys legal non-complying rights. However, to formally recognise this with the site development it is appropriate to clearly state in the recommended zoning that a loading space is not required for an office.
- As noted in the 'Brief History' section of this report, the overall proposed development has been considered in the view of related development applications, including that subject to staff report ACS2022-PIE-PS-0072. Together, the result is removing a 60-space surface parking lot away from the corner of O'Connor and Nepean Streets to allow for a new approximately 300-unit development. Given the unique ownership and partnership of the applications, the office building at 190 O'Connor Street seeks to maintain parking which is currently served by the 44-space surface lot at 108 Nepean Street. To enable the new development, the corresponding proposals include the demolition of 142 Nepean Street, a six-unit apartment building, to allow for a new 30-space parking lot accessory to the 190 O'Connor Street office, which together would be designed as a contiguous lot for exclusive use by existing office tenants. It is important to note this parking lot will be prohibited to operate as a commercial parking lot, and conditions of demolition include criteria that ensure demolition will not be permitted until the building permit has been issued and construction for the new development at 108 Nepean Street and part of 257 Lisgar Street has commenced.
- While there is a loss of a six-unit apartment, the coordinated proposals allow for a new 300-unit development. Furthermore, the recommended details in report ACS2022-PIE-PS-0072 are securing a requirement for 25 affordable housing units and the developer intends to work with CMHC to provide additional affordable units.
- Existing tenants of 142 Nepean Street will be accommodated for moving and finding replacement units, which is detailed in a Memorandum of Understanding as detailed in Document 4.
- Document 3, Conditions of Approval for Demolition Control include standard conditions of Demo Control but also add the requirement to acknowledge that demolition is not permitted until such time as the replacement construction has commenced at 108 Nepean Street. This secures, in accordance with the OP policy, that there will be no net loss in residential units in the immediate area.

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 McKenney provided the following comments:

"I support the mixed-use development at 108 Nepean as a positive proposal to replace an underused surface parking lot with increased density. I hope the applicant does the right thing and provides deeply affordable units in perpetuity in this new building if the application is approved.

However, I cannot support the proposed demolition of 142 Nepean and I believe linking the 108 Nepean ZBA application to the 142 Nepean Demolition Control, Zoning By-law Amendment, and Site Plan Control applications for a surface parking lot is a mistake. Removing a residential building to accommodate surface parking for an office building 5 blocks from the Parliament LRT station during a housing/homelessness emergency, a growing climate crisis and a global pandemic that has significantly increased remote or hybrid working patterns is short-sighted and damaging. Destroying housing for surface parking does harm to the environment by introducing another impermeable surface that increases runoff and contributes to the urban heat island effect, does harm to the neighbourhood by removing 6 affordable housing units from this mixed-use and diverse community, and does harm to the whole city by setting a precedent that creating new surface parking justifies the removal of housing.

Many of the units in this build are well below market rent and present an affordable option in this downtown neighbourhood that has become unaffordable for many. If this parking is deemed necessary for the office workers at 190 O'Connor, 30 parking spots should be set aside in the proposed underground parking lot at 108 Nepean. The Demolition Control application for 142 Nepean must be rejected."

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the report recommendations.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

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.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

The development applications (Zoning: D02-02-21-0042, Demo Control: D07-05-21-0004) were not processed by the “On Time Decision Date” established for the processing of Zoning By-law amendments and Demo Control due the complexity of coordinating the review and logistics with the proposed development at 108 Nepean Street and part of 257 Lisgar Street, including the contribution of affordable housing.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Conditions of Approval: Demolition Control

Document 4 Memorandum of Understanding: 142 Nepean

Document 5 Consultation Details

CONCLUSION

Planning staff recommend approval of the Zoning By-law Amendment for 142, 144 and 148 Nepean to establish a parking lot in support of the existing office at 190 O'Connor,

and the Demolition of 142 Nepean. The proposed development, together with the recommend approvals in Report ACS2022-PIE-PS-0072, represent a unique opportunity to remove a large surface parking lot from the corner of O'Connor and Nepean to enable the development of a 27-storey building with approximately 300 units. With the demolition of the six-unit apartment at 142 Nepean for the new 30-space parking lot conditions have been put in place to ensure the replacement development is proceeding before demolition is permitted. This arrangement and approval are consistent with the Official Plan, and notably the new OP for policies concerning the protection of existing rental housing.

DISPOSITION

Zoning By-law Amendment

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.

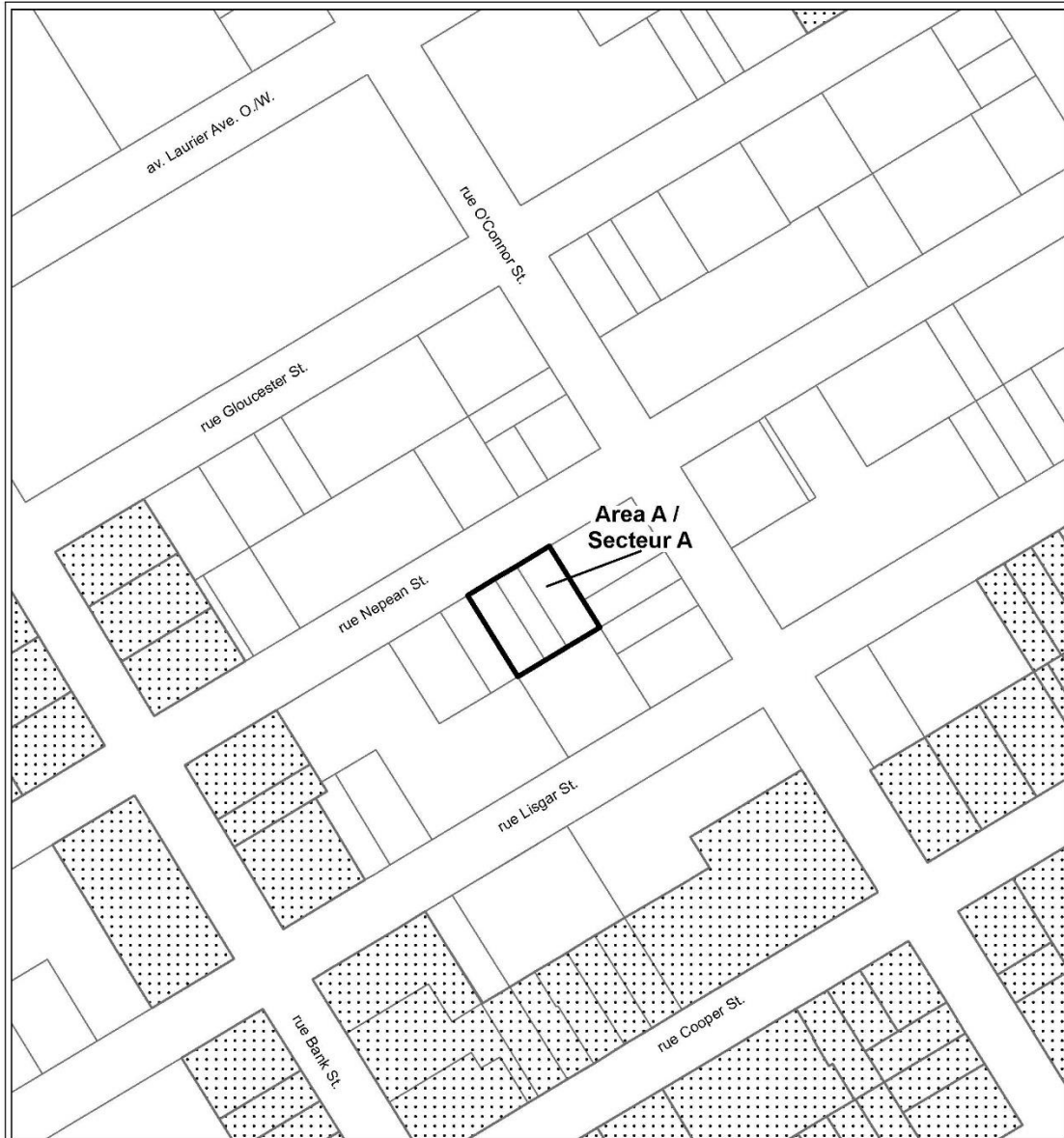
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.


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 / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0049	22-0571-Y		
I:\CO\2021\Zoning\Nepean142		Area A to be rezoned from R5B [482] F(3.0) to R5B [xxxx] F(3.0) Le zonage du secteur A sera modifié de R5B [482] F(3.0) à R5B [xxxx] F(3.0)	
<small>©Parcel data is owned by Terranet Enterprises Inc. and its suppliers. All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>	 Heritage (Section 60) Patrimoine (Article 60)	
<small>©Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	
REVISION / RÉVISION - 2022 / 06 / 07			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 142, 144 and 148 Nepean Street are as follows:

1. Rezone the lands, shown in Document 1, from R5B [482] F(3.0) to R5B [xxxx] F(3.0).
2. Amend Section 239, Urban Exceptions, by adding a new exception [xxxx] with provisions similar in effect as follows:
 - a. In Column II, add the text R5B [xxxx] F(3.0)
 - b. In Column III, additional land use permitted, add:
 - i. Service business limited to barber shop, beauty parlour, or dry cleaner's distribution station
 - ii. Place of assembly limited to a club
 - iii. Retail store limited to a drug store, florist shop, news stand,
 - iv. Restaurant
 - c. In Column V, include provisions similar in effect to the following:
 - i. Additional permitted uses other than place of assembly limited to a club restricted to ground floor or basement of residential use building.
 - ii. The following provisions apply to a parking lot to be used by the existing Office building, as of the date of Council approval, at 190 O'Connor Street:
 1. A parking lot of at least 30 parking spaces is permitted only to serve as parking for the existing office;
 2. A loading area is not required;
 3. Landscaped area for a parking lot requires a minimum of 65 square metres and no buffer.
 4. Minimum aisle width for 90-degree parking: 6.0 metres

Document 3 – Conditions of Approval: Demolition Control – 142 Nepean Street

The following conditions apply to Demolition Control application D07-05-21-0004 concerning 142 Nepean Street for approval:

1. The Owner acknowledges and agrees that a demolition permit for 142 Nepean Street shall not be issued until such time as construction, via a building permit, has commenced for the replacement building at 108 Nepean Street for a building providing six or more dwelling units (the “Replacement Building”). Additionally, The Owner agrees that a demolition permit will not be issued, and the building cannot be demolished until such time that the agreement referenced herein has been executed and registered on title.
2. That the Replacement Building be substantially completed with five years from the date of this approval and in default thereof, the City Clerk shall enter on the collector's roll the sum of \$6,314.00 for each of the six residential dwelling units to be demolished. The replacement building requirement can be satisfied by the development of 108 Nepean Street with a building providing six or more residential units.
3. That until the time of the construction of the first replacement building, other than where a sales centre and any associated parking are provided, the registered Owner shall landscape the property to the satisfaction of the General Manager of Planning, Real Estate and Economic Development Department. The registered Owner shall prohibit the use of the property for other interim uses and maintain the property in accordance with the Property Standards By-law. For the purpose of this clause, the final condition of the site pursuant to Site Plan application D07-12-21-0076 shall serve as the post demolition condition.
4. The registered Owner shall enter into an Agreement with the City of Ottawa to include the foregoing conditions and pay all costs associated with the registration of the said Agreement. At such time as a building permit is issued to redevelop the site and the Replacement Building is in place, the Agreement will become null and void and will be released upon request by the owner. The owner shall pay all costs associated with the registration of the release from this Agreement.
5. That the approval be considered null and void if the Agreement is not executed by SIX MONTHS from approval (*date of Council approval*)

Document 4 – Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

(the “MOU”)

June 16, 2022

Between

Nepean Street Holdings Limited

(“Applicant”)

And

The City of Ottawa

(“CITY”)

Collectively referred to as “The Parties”

142 Nepean Street, Ottawa, Ontario

Whereas report ACS2022-PIE-PS-0073 recommends amendments to the Zoning By-law 2008-250 for the properties at 142, 144 and 148 Nepean Street to permit a surface parking lot, as well as recommendations for approval of demolition control for 142 Nepean Street; and

Whereas the existing six-unit apartment at 142 Nepean Street is proposed for demolition while a replacement building of approximately 300 dwelling units is proposed at 108 Nepean Street and part of 257 Lisgar Street; and

Whereas concerns have been raised by the Ward Councillor and community with respect to the provision of demolishing the existing apartment and maintaining affordable housing for the existing tenants from 142 Nepean Street;

NOW THEREFORE the parties agree and declare as follows:

DEFINITIONS

1. The terms defined herein shall have the following meanings for all purposes of this MOU:

“City” means City of Ottawa;

“Current Tenants” means residents within the Property as of the date of the Owner executing this Memorandum of Understanding.

“MOU” means this Memorandum of Understanding;

“New Building” means the proposed apartment building to be constructed at 108 Nepean Street and part of 257 Lisgar Street.

“New Unit” means a unit at either of 171 O’Connor St., known as Imperial Apartments (“Imperial”) or 257 Lisgar Street known as Wentworth Plaza Apartments (“Wentworth”); and

“Property” means the lands and premises known municipally as 142 Nepean Street;

RECITALS

2. The recitals to this MOU form an integral part of this MOU for all purposes and the Parties confirm that they agree to the same.

DEVELOPMENT APPROACH

3. Both parties recognize that the development of the Property is subject to an application for Site Plan Control (D07-12-21-0076);
4. The Applicant acknowledges and agrees that any conditions similar or consistent with Section 5 below do not include the “contributions” committed through Report ACS2022-PIE-PS-0073 with the City for Zoning By-law amendments concerning 108 Nepean Street and part of 257 Lisgar Street.
5. As part of the Site Plan Control approval described in Section 3 above, the Applicant agrees to implement conditions including but not limited to:
 - a. Upon receipt of a final and binding Demolition Control Application for the Property as approved by the City of Ottawa City Council, and upon execution of an agreement between the Property owner and with each Current Tenant, the Property owner shall provide a cheque for \$15,000 to each Current Tenant as consideration for entering into the agreement.
 - b. The Property owner agrees to provide the Current Tenants the opportunity to relocate to a New Unit in another rental building. Depending on availability the New Unit will be at Imperial or Wentworth.
 - c. The New Unit will contain the same number of bedrooms as the unit occupied by each of the Current Tenants at the Property.

- d. The Property owner agrees to pay for each Current Tenant's reasonable costs (expenses for the movement of possessions, and utilities and cable relocation fees) incurred by said Current Tenant for moving from the residential building currently on the Property and into a New Unit.
- e. The effective monthly rent for the New Unit shall not exceed the Current Tenant's monthly rent at the time of the Current Tenant's move from the Property to the New Unit and discounting of face rent to achieve the above effective monthly rent will terminate after the earlier of: (i) five years from the date of the above move; and (ii) the date upon which the Tenant vacates the New Unit.
- f. If the Current Tenant has a designated on-site parking spot on the Property, either included with rent or as an extra cost, a parking spot will be allocated to the Current Tenant with the New Unit. Payment for parking shall be the same as what is paid at the Property.
- g. If the Current Tenant still resides in the New Unit at the time of substantial completion of the New Building, the Current Tenant will be offered a first right to lease one of the affordable units being provided in the New Building.

COMMUNICATION

- 6. The Owner and the City will work in close collaboration to prepare and coordinate all communications activities as the project progresses and construction activities begin.

LEGAL STATUS

- 7. Neither this MOU nor its provision are intended to, nor shall they, amend, alter, contravene, and to or in any other way affect or effect any changes to the legal obligations between the Parties as set out in federal and provincial statute law and the common law. This MOU confirms the present intentions of the Parties to consult and collaborate on potential measures for the Current Tenants.

AMENDMENT

- 8. This MOU may be amended by the written consent of the Parties hereto.

CONFIDENTIALITY

- 9. This MOU is not confidential and may be made public.

Nepean Street Holdings Limited

THE CITY OF OTTAWA

Per: _____

Per: _____

Name: _____

Name: _____

Title: _____

Title: _____

Document 5 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for Development Applications.

Councillor McKenney and the applicant organized a community information session, held virtually, on September 28, 2021. Approximately 25 members of the public attended, where the applicant provided a presentation, followed by a question-and-answer period. Majority of the discussion was focused on the proposed development at 108 Nepean and part of 257 Lisgar Street (Report ACS2022-PIE-PS-0072).

During application review approximately 115 individuals/groups provided comments on the application. The comments submitted generally expressed opposition to the notion of demolishing an apartment for a parking lot. Of the public submissions, approximately 75 originated from an auto-generated e-mail via ACORN Canada, found [HERE](#).

Public Comments and Responses

Opposition to Demolition for a Parking lot

- General opposition to the demolition of an affordable rental apartment for a parking lot.
- Comments expressed the need for more housing.
- If you are tearing down units you need to add more units.
- Too much surface parking already exists in the area.
- Developer should find a solution when building the new development and rely on bus, bike and walking routes.
- Support the housing crisis and build more housing.
- Vacant lots should be developed into public greenspaces or playground.
- Providing more parking contributes to increased pollution, traffic, safety hazards for pedestrians and cyclists, and noise.

Response:

The coordination between the related applications concerning the proposed parking lot and demolition of 142 Nepean along with the proposed development at 108 Nepean

and 257 Lisgar Street is detailed in the staff report. The result of these applications allows for the development of an approximate 300 unit development and the loss of a six-unit apartment. The new gain in replacement units is consistent with Official Plan policies and the recommended conditions of approval ensure that the development of the new building begins before demolition is permitted. The associated applications also result in the removal of a 60-space parking lot on the corner of O'Connor Street and Nepean Street with a smaller 30-space parking lot along the interior of Nepean (142, 144 and 148 Nepean). While the 108 Nepean development will be subject to Cash-in-Lieu of Parkland, none of the applications are eligible to establish public greenspace or parks.

Parking Lot Comments

- Comments concerned about having adequate lighting and security cameras, daily monitoring and maintenance, fencing around the perimeter.
- Is there snow storage or is to be trucked away.
- Will parking lot have controlled access.
- Speeding on Nepean before access to the lot, and potential conflict between access and sidewalk users.
- Vehicle and property damage to abutting property through access from the parking lot and proximity of the lot.

Response:

The above noted comments have been considered through the review of this application but will be more appropriately addressed through the associated Site Plan application, including reviewing the final design details such as fencing and the landscape treatment. The public lot is intended for use by the existing office at 190 O'Connor Street and is prohibited from operating as public commercial parking lot. Site Plan will address snow storage, which will likely require being trucked offsite for larger events.

ACORN (auto-generated e-mail)

Note: The following e-mail template was submitted by approximately 75 residents.

"I am writing to you as an Ottawa resident imploring you to reject Fotenn Planning's applications for the demolition and rezoning of 142 Nepean Street. I stand with the

Ottawa ACORN tenant union in saying that this development will be harmful for both individual tenants and for the state of our affordable housing stock in the city.

The plans - recorded as Application Proposals D07-05-21-0004, D02-02-21-0049 and D07-12-21-0076 on devapps.ottawa.ca - are to take the affordable units at 142 Nepean and replace them with a surface-level parking lot, despite the abundance of parking lots within a two-block radius.

While paltry compensation has been offered, this is a clear case showing an attempted demoviction of your constituents. City Hall has made promises to tackle the climate emergency and the affordable housing crisis, but if the Planning Committee approves these proposals, the municipality itself will be part of the problem.

Vote to reject Fotenn Planning's applications regarding 142 Nepean Street and defend your tenants from the scourge of demoviction. I urge you to show City Hall's priorities in action!

To discuss further please reach out to Ottawa ACORN at ottawa@acorncanada.org."

Response:

As detailed in the staff report, and response to comments above, the related applications are enabling a new development of approximately 300 units while removing a surface parking lot from a corner site to be replaced by a smaller parking lot. The conditions of approval ensure that demo is not permitted to occur until such time as the replace building is under construction, which satisfies the policy direction of maintaining the rental unit stock. Additional, the Owner will execute a Memorandum of Understanding, as detailed in Document 5, to accommodate the existing tenants accordingly.

Community Organization Comments and Responses

Centretown Community Association

The Centretown Community Association vigorously opposes this proposal for the following reasons:

The eviction of families currently living in moderately affordable housing in Centretown in order to facilitate the construction of a surface parking lot is contrary to both the spirit and specific policy directions laid out in the draft Official Plan;

There is an abundance of alternative commercial parking options in the immediate vicinity of 190 O'Connor that would easily absorb 30 vehicles including a new underground commercial parking lot at 89-91 Nepean Street. Consequently, there is no need to create 30 new surface parking spaces;

The location of 190 O'Connor is well serviced by existing public transit options; and 142-148 Nepean Street could be used for alternative uses including new residential construction, preferably affordable housing.

The CCA would support a proposal by the proponent to reduce the zoning requirement not from 44 parking spaces to 30 but from 44 to zero and we encourage the City Planning Department to suggest to the proponent that this would be a proposal more consistent with the planning direction outlined in the draft Official Plan.

Response:

For the reasons outlined in the staff report, and response to public comments above, staff are recommending approval of these applications.