

**Subject: Application to alter 70 Nicholas Street, a property designated under Part IV of the *Ontario Heritage Act***

**File Number: ACS2022-PIE-RHU-0029**

**Report to Built Heritage Sub-Committee on 23 August 2022**

**and Planning Committee 8 September 2022**

**and Council 21 September 2022**

**Submitted on August 11, 2022 by Court Curry, Manager, Right of Way, Heritage and Urban Design Services, Planning, Real Estate and Economic Development Department**

**Contact Person: Luis Juarez, Planner II, Heritage Planning Branch**

**613-580-2424, 21133, luis.juarez@ottawa.ca**

**Ward: Rideau-Vanier (12)**

**Objet : Demande de modification du 70, rue Nicholas, une propriété désignée en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario***

**Dossier : ACS2022-PIE-RHU-0029**

**Rapport au Sous-comité du patrimoine bâti**

**le 23 août 2022**

**et au Comité de l'urbanisme le 8 septembre 2022**

**et au Conseil le 21 septembre 2022**

**Soumis le 11 août 2022 par Court Curry, Gestionnaire, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, de l'immobilier et du développement économique**

**Personne ressource : Luis Juarez, Urbanist II, Planification du patrimoine**

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**Quartier : Rideau-Vanier (12)**

## **REPORT RECOMMENDATIONS**

**That the Built Heritage Sub-Committee recommend that Planning Committee recommend that Council:**

- 1. Approve the application to alter the City Registry Office, 70 Nicholas Street, according to the drawings prepared by Zeidler Architecture, dated April 29, 2022 and attached as Document 6, conditional upon:**
  - a) The applicant identifying opportunities to enhance the proposed landscaping and public realm in consultation with Heritage Planning, Development Review, and Urban Design staff prior to Site Plan Control Approval. This may include reducing the hardscaping around the City Registry Office building and establishing a connection to the arts district through lighting and public art;**
- 2. Delegate the authority for minor design changes to the General Manager, Planning, Real Estate and Economic Development Department; and**
- 3. Approve the issuance of the heritage permit with a two-year expiry date from the date of issuance unless otherwise extended by Council.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Sous-comité du patrimoine bâti recommande au Comité de l'urbanisme de recommander à son tour ce qui suit au Conseil :**

- 1) Approuver la demande de modification du bureau d'enregistrement des actes de la Ville, situé au 70, rue Nicholas, conformément aux dessins préparés par Zeidler Architecture, datés du 29 avril 2022 et joints en tant que document 6, sous réserve de la condition suivante :**
  - a) Le requérant doit trouver des manières d'améliorer l'aménagement paysager et le domaine public proposés tout en consultant le personnel responsable de la planification du patrimoine, de l'examen des projets d'aménagement et du design urbain avant l'approbation délivrée dans la réglementation du plan d'implantation. Cela peut comprendre une réduction de l'aménagement à l'aide de matériaux inertes autour du bâtiment du Bureau d'enregistrement des actes de la Ville et la création d'un lien vers le quartier des arts à l'aide d'un éclairage et d'œuvres d'art public;**

- 2) **Déléguer au directeur général de Planification, Immobilier et Développement économique le pouvoir d'apporter des changements mineurs de conception;**
- 3) **Approuver la délivrance du permis patrimonial, valide pendant deux ans à compter de la date de délivrance, sauf si cette validité est prolongée par le Conseil municipal.**

## **EXECUTIVE SUMMARY**

This report recommends the approval of the second of two heritage permit applications to alter 70 Nicholas Street, a property designated under Part IV of the *Ontario Heritage Act*. The proposed alterations considered in this report are for the development of a 21-storey mixed use building containing 286 residential units, a two-level underground parking garage, ground floor retail integrated into the relocated City Registry Office ("CRO") and connected to the C.F. Rideau Centre, and associated landscaping on the property.

The first heritage permit application related to this project was approved by City Council on June 22, 2022, and allows for the on-site relocation of the CRO, approximately 20 metres north of its existing position.

The applicant has submitted concurrent applications for a Zoning By-law Amendment and Site Plan Control under the *Planning Act* to facilitate the proposed development.

This application was evaluated on its own merits and staff recommend approval as the proposed alterations meet the Standards and Guidelines for the Conservation of Historic Places in Canada, maintain the cultural heritage value of the CRO and adjacent Part IV heritage resources, and provides an adaptive reuse for a long vacant building.

## **RÉSUMÉ**

Le présent rapport recommande l'approbation de la seconde de deux demandes de permis patrimonial visant à permettre la modification du 70, rue Nicholas, une propriété désignée en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario*. Les modifications proposées, prises en compte dans le présent rapport, seraient apportées dans le cadre du projet de construction d'un immeuble polyvalent de 21 étages abritant 286 logements. Ce projet comprendrait en outre l'aménagement d'un garage de stationnement souterrain de deux niveaux, de commerces de vente au détail au rez-de-chaussée intégrés dans le nouvel emplacement du bureau d'enregistrement des actes de la Ville et reliés au Centre Rideau ainsi que l'installation d'éléments paysagers sur place.

La première demande de permis patrimonial relative à ce projet, approuvée par le Conseil municipal le 22 juin 2022, permet le déplacement du bureau d'enregistrement des actes de la Ville à environ 20 mètres plus au nord de son emplacement actuel, sur le même terrain.

Le requérant a présenté des demandes simultanées de modification du Règlement de zonage et de réglementation du plan d'implantation, en vertu de la *Loi sur l'aménagement du territoire*, afin de permettre la réalisation de cet aménagement.

Cette demande a été évaluée au regard de ses qualités intrinsèques et le personnel recommande son approbation au motif que les modifications proposées respectent les Normes et lignes directrices pour la *conservation* des lieux patrimoniaux au *Canada*, qu'elles préservent la valeur sur le plan du patrimoine culturel du bureau d'enregistrement des actes de la Ville et des ressources patrimoniales adjacentes en vertu de la partie IV, et qu'elles permettent la réutilisation adaptée d'un bâtiment inoccupé de longue date.

## **BACKGROUND**

This report has been prepared because the alteration of a property designated under Part IV of the *Ontario Heritage Act* requires the approval of City Council after consultation with the Built Heritage Sub-Committee. A [related heritage permit application](#) to allow for the on-site relocation of the CRO approximately 20 metres north of its existing position precedes the subject-application, and was approved by City Council on June 22, 2022.

Associated Zoning By-law Amendment and Site Plan Control applications have been submitted to facilitate the proposed development, which includes a 21-storey mixed use residential development containing 286 residential units, ground floor retail integrated into the CRO and connected to the C.F. Rideau Centre, and a two-level underground parking garage on the property.

### **Description of site and surroundings**

The subject property encompasses an entire city block bounded by Daly Avenue to the north, Colonel By Drive to the west, the Mackenzie King Bridge to the south, and Nicholas Street to the east. The CRO is situated on the eastern part of the property, north of the C.F. Rideau Centre loading dock driveway, whereas the shopping centre is situated to the west and occupies most of the property (see Document 1).

The CRO, the Albion Hotel (incorporated into the Novotel Hotel), and the old Carleton County Gaol, Courthouse, and Registry Office (incorporated into the Arts Court redevelopment) are all individually designated under Part IV of the *Ontario Heritage Act*, and together form a nineteenth century judicial district.

### **Building History and Cultural Heritage Value**

The CRO is a single-storey pale salmon-gold brick structure constructed in 1874 and designated under Part IV of the *Ontario Heritage Act* by City Council in 1978. It is designed similarly to other Registry Offices erected in Ontario in the 19<sup>th</sup> century, likely to the plans of Kivas Tully, Provincial Architect and Engineer. Some of its character defining elements include its classical temple massing, round headed windows and door arches with rusticated quoins, and three interior barrel vaults used to distinguish public, administrative, and storage functions. These architectural features help exemplify the building's official function in what is otherwise a modestly scaled structure (see photos, Document 2). The CRO has historical value for its role in storing land instruments at a time when land ownership was considered sacred. It also has contextual value as an integral part of Ottawa's 19th century judicial district, demonstrated through the common architectural features displayed by its buildings. A list of the key attributes that embody the cultural heritage value of the property are listed in Document 4.

### **Summary of proposed works**

The applicant ultimately proposes to relocate the CRO on-site, rehabilitating and incorporating it into the commercial base of a proposed 21-storey mixed-use development (see Document 3). Due to the complexity of the proposed relocation and its sensitive timeline, the scope of work was divided into two phases: a relocation phase and a development phase.

The first phase was approved by City Council on June 22, 2022, in advance of the review of the associated development applications, to ensure that the stabilization and relocation of the CRO occurred in good weather. The associated conservation approach for the CRO was also discussed and approved as part of the initial phase and includes the repair and reinstallation of character-defining elements that will be removed during the relocation process, the reinstatement of missing features including the exterior brick chimney and slate roof, and rehabilitation works such as the construction of a new steel roof structure and interior openings (see Document 7).

This report considers the second phase of the proposed works and will discuss the proposed design of the development, which includes the incorporation of the relocated

CRO into the commercial base of a 21-storey building. The proposed development also consists of 286 purpose-built rental units, a new northern entrance to the C.F. Rideau Centre, reconfigured loading areas to service the mall, and an improved public realm along Nicholas Street (see architectural plans, Document 6). The proposed design's compatibility with the CRO and the adjacent Part IV properties that make up the judicial district is discussed in detail below.

## **DISCUSSION**

### **Recommendation 1: Approve the application to alter the City Registry Office and construct a 21-storey mixed use building at 70 Nicholas Street.**

Heritage Planning staff recommend approval of the proposal to construct a new 21-storey mixed use building integrated into the relocated CRO for the following reasons:

1. The design of the proposed development is compatible with the CRO and maintains its cultural heritage value.

The proposed development employs several interventions in its siting, podium and tower design, materiality, and landscaping to ensure that it is compatible with the CRO. The proposed design interventions allow the CRO to remain as the property's predominant feature. They are outlined in detail in the Cultural Heritage Impact Statement ("CHIS"), and include:

#### Siting

- The CRO will be relocated approximately 20 metres north of its existing location. Its relocation allows the building to be prominently situated closer to the intersection of Nicholas Street and Daly Avenue, and further from the vehicular and loading elements of the proposed development and existing shopping mall.
- The CRO will be setback approximately 7.5 metres from Nicholas Street, allowing for a generous landscaped plaza to frame the building.

#### Podium and building design

- The west (rear) elevation of the CRO will be integrated into the commercial base of the new building, intersecting the north (commercial) building entrance, and the south (residential) building lobby. The remaining component of the CRO (70 percent of the structure), will sit approximately 10 metres proud of the proposed new building, ensuring that it is interpreted as its own structure and not as a façade of the new building.

- The transfer beam required to support the weight of the proposed building will be positioned on the fourth storey to ensure that the CRO volume is unencumbered by the weight of the new structure. This placement also allows the heritage structure to sit in a three-storey atrium, providing it with three-dimensional space.
- The building's new volumes will match the ground floor height of the CRO, allowing the CRO to be programmed as a universally accessible commercial space when accessed from the interior atrium of the new building.

### Materiality

- The proposed north wing podium will employ a three-storey curtain wall atrium. The glazing acts as a backdrop to the CRO, maximizing the visibility of the CRO's volume and providing a distinct and contemporary façade treatment for the new shopping mall entrance.
- The proposed south wing podium will be clad with salmon gold masonry, limestone trim and foundation, and black metal windows to provide a contemporary interpretation of the CRO's materiality.

### Landscaping

- The CRO will sit in a soft-landscaped apron that will surround the perimeter of the relocated building, allowing its rubble stone foundation to be exposed (see landscape plan, Document 7).
- A consistent hardscaped treatment will be employed across the property's frontage to mitigate the impact of the southern wing's vehicular access and provide for a landscaped courtyard on the northeast corner of the site. The treatment will enhance the public realm and improve the public's ability to interact with the CRO.

Whilst the landscape elements noted above are positive, there is an opportunity to further enhance the proposed landscape and public realm design. The city's Urban Design Review Panel ("UDRP") recommended enlarging and improving the condition of the soft landscaping around the perimeter of the CRO and introducing pedestrian-level elements such as public art and lighting to enhance the building and help it relate to the Arts District. Staff have included a condition as part of this report to ensure that these recommendations are considered in the review of the associated site plan control application.

Notwithstanding the size difference between the CRO and the proposed building, the interventions discussed above ensure that the siting, materials, landscaping, and overall design of the proposed development creates an appropriate relationship between the new building volumes and the CRO.

2. The proposed development considers and maintains the cultural heritage value of the surrounding Part IV properties located in the judicial district.

The CRO has contextual value as one of five buildings that make up a 19<sup>th</sup> century Ottawa judicial district. The CRO's location was selected for its proximity to the Carleton County courthouse and is considered one of the property's heritage attributes. The proposed development considers and maintains the cultural heritage of the judicial district buildings designated under Part IV of the *Ontario Heritage Act* in the following ways:

- The proposed integration of the relocated CRO will maintain its orientation along Nicholas Street, conserving its proximity and informal, off-axis relationship to the Old Carleton County Court House and Gaol.
- The proposed building envelope will be setback from Daly Avenue and approximates the width of the existing Courthouse and Gaol to mimic the streetscape conditions along this section of Nicholas Street.
- The proposed landscape treatment on the property includes the use of rusticated masonry for its bollards, retaining walls, and pavers to compliment materials used on the adjacent Courthouse and Gaol properties, creating a cohesive landscape for the district. Public realm enhancements such as public art and lighting to be considered through the site plan control process will further contribute to a cohesive design within the Arts District.
- The relocated CRO will sit on a soft-landscaped apron to mirror the relationship that the old Courthouse and Gaol property has with Daly Avenue. A hardscaped plaza on the corner of the property will mirror the relationship between the Albion Hotel and the intersection.
- An improved public realm including the elimination of a vehicular traffic lane on Daly Avenue, an optimized loading area for the mall built into the development, and an entrance plaza at the intersection of Daly Avenue and Nicholas Street will reduce pedestrian conflicts between the judicial district buildings.



Whilst the proposed development employs a larger scale than that of the adjacent Part IV buildings in the judicial district, its envelope design and siting will sensitively maintain the CRO's relationship to the district, thereby conserving its contextual value. Further, the proposed public realm enhancements will help define the collection of Part IV buildings as a district by implementing a consistent landscape treatment.

Heritage Planning staff are of the opinion that the proposed development is distinguishable from, compatible with, and subordinate to the CRO and the adjacent Part IV buildings in the judicial district. Further, the design interventions employed are appropriate and maintain the cultural heritage value of the CRO and the judicial district properties. For these reasons, staff are of the opinion that the application to alter the property is appropriate.

### **Standards and Guidelines for the Conservation of Historic Places in Canada**

City Council adopted Parks Canada's Standards and Guidelines for the Conservation of Historic Places in Canada ("Standards and Guidelines") in 2008. This document establishes a consistent set of conservation principles and guidelines for projects involving heritage resources. Heritage Planning staff consider this document when evaluating applications under the *Ontario Heritage Act*. The following Standards are applicable to this proposal:

- Standard 1: Conserve the heritage value of an historic place. Do not remove, replace, or substantially alter its intact or repairable character defining elements. Do not move a part of a historic place if its current location is a character-defining element.
- Standard 3: Conserve heritage value by adopting an approach calling for minimal intervention.
- Standard 4: Recognize each historic place as a physical record of its time, place, and use. Do not create a false sense of historical development by adding elements from other historic places or other properties, or by combining features of the same property that never coexisted.
- Standard 5: Find a use for a historic place that requires minimal or no change to its character-defining elements.
- Standard 7: Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.

- Standard 10: Repair rather than replace character-defining elements. Where character defining elements are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials, and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material, and detailing of the new elements compatible with the character of the historic place.
- Standard 11: Conserve the heritage value and character-defining elements when creating any new additions to an historic place or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.
- Standard 14: Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

The proposed alterations will conserve the cultural heritage value of 70 Nicholas Street, while balancing the requirements associated with the proposed development. The first of two heritage permits for the proposed development determined that the entire building will be conserved and rehabilitated, with its character-defining attributes evaluated, repaired, and maintained as outlined in the Conservation Plan (see Document 8). Further, missing architectural features such as the brick chimney and slate roof will be restored using documentary evidence, improving recognition of the CRO's original form.

Relocating the CRO is a major intervention, however the sensitive design integrates the building in its entirety within the base of the new development. The design maintains the orientation of the CRO, conserving its proximity and relationship with the judicial district, an attribute of the property, while allowing for the continued and efficient adaptive reuse of the building. The proposed design sets the CRO proud of the proposed 21-storey building, allowing it to remain legible as a three-dimensional volume and ultimately as the property's predominant feature. The new development employs materiality, landscaping, and design interventions such as setbacks and datum lines to ensure that the proposed development relates to the CRO and the surrounding Part IV judicial district buildings, while remaining distinguishable from and subordinate to the heritage resources.

The following Guidelines related to exterior form (Section 4.3) are applicable to this proposal:

- Guideline 12: Selecting a new use that suits the existing building form.
- Guideline 13: Selecting the location for a new addition that ensures that the heritage value of the place is maintained.
- Guideline 18: Working with accessibility and conservation specialists and users to determine the most appropriate solution to accessibility issues with the least impact on the character defining elements and overall heritage value of the historic building.

The CRO's integration into the C.F. Rideau Centre will provide universal access within the resource and to the shopping centre. The building's entire form including the interior barrel-vaulted ceilings will be maintained, providing an interpretation of the building's three functional components (public, administrative and storage sections), and helping to identify the building's original use as a Registry Office. The CRO's relocation will facilitate the creation of an entrance plaza, improving the public realm between Part IV buildings in the judicial district, while it's new use will improve the public's ability to interact with the resource.

Staff are of the opinion that the proposed design and integration of the CRO meets the aforementioned Standards and Guidelines.

### **Cultural Heritage Impact Statement**

Section 4.6.1 of the existing City of Ottawa Official Plan and 4.5.2 (2) of the Council approved new Official Plan requires that a Cultural Heritage Impact Statement ("CHIS") be submitted where a proposed development has the potential to adversely affect the heritage resource. A CHIS was prepared for this proposal by Commonwealth Historic Resource Management and Barry Padolsky Associates Inc. (see Document 5). Heritage Planning staff have reviewed the document and have determined that it meets the requirements of the City's Guidelines for a CHIS.

The CHIS generally concludes that the design of the proposed development including the relocation, rehabilitation, and integration of the CRO prioritizes the conservation of a long vacant historic resource, while supporting policies for intensification in the city's downtown. Staff concur with the findings of the CHIS.

### **Conclusion**

The proposed 21-storey mixed use development appropriately integrates the Registry Office into its design and conserves the cultural heritage value of the building and

surrounding Part IV resources in the judicial district. Staff have reviewed the application to alter 70 Nicholas Street in accordance with its Statement of Cultural Heritage Value and the Standards and Guidelines and have no objections to its approval.

**Recommendation 2: Delegate authority for minor changes to the relocation procedures to the General Manager, Planning Real Estate and Economic Development Department**

Minor changes to the design may emerge during the working drawing phase of a project. This recommendation is included to allow Planning, Real Estate and Economic Development to approve these changes should they arise.

**Recommendation 3: Issue the heritage permit with a two-year expiry date from the date of issuance**

The *Ontario Heritage Act* does not provide any timelines for the expiry of heritage permits. A two-year expiry date is recommended to ensure that the project is completed in a timely fashion.

**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.

**CONSULTATION**

Heritage Ottawa was notified of this application and offered the opportunity to provide comments.

The application materials were posted on the City's Development Application website on July 4, 2022.

Neighbours within 30 metres of the property were notified of this application and offered an opportunity to comment at the Built Heritage Sub-Committee meeting.

**COMMENTS BY THE WARD COUNCILLOR**

The Ward Councillor is aware of the application related to this report.

**LEGAL IMPLICATIONS**

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

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with implementing the recommendations of 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**

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. The *Accessibility for Ontarians with Disabilities Act* requirements for site design will be reviewed through the subsequent application for Site Plan Control.

### **TERM OF COUNCIL PRIORITIES**

This project addresses the following Term of Council Priorities:

- Thriving Communities: Promote safety, culture, social and physical well-being for our residents.

### **APPLICATION PROCESS TIMELINE STATUS**

The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on September 21, 2022.

### **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Subject Property Photos

Document 3 Proposed Site Plan

Document 4 Statement of Reasons for the Designation

Document 5 Cultural Heritage Impact Statement

Document 6 Architectural Plans

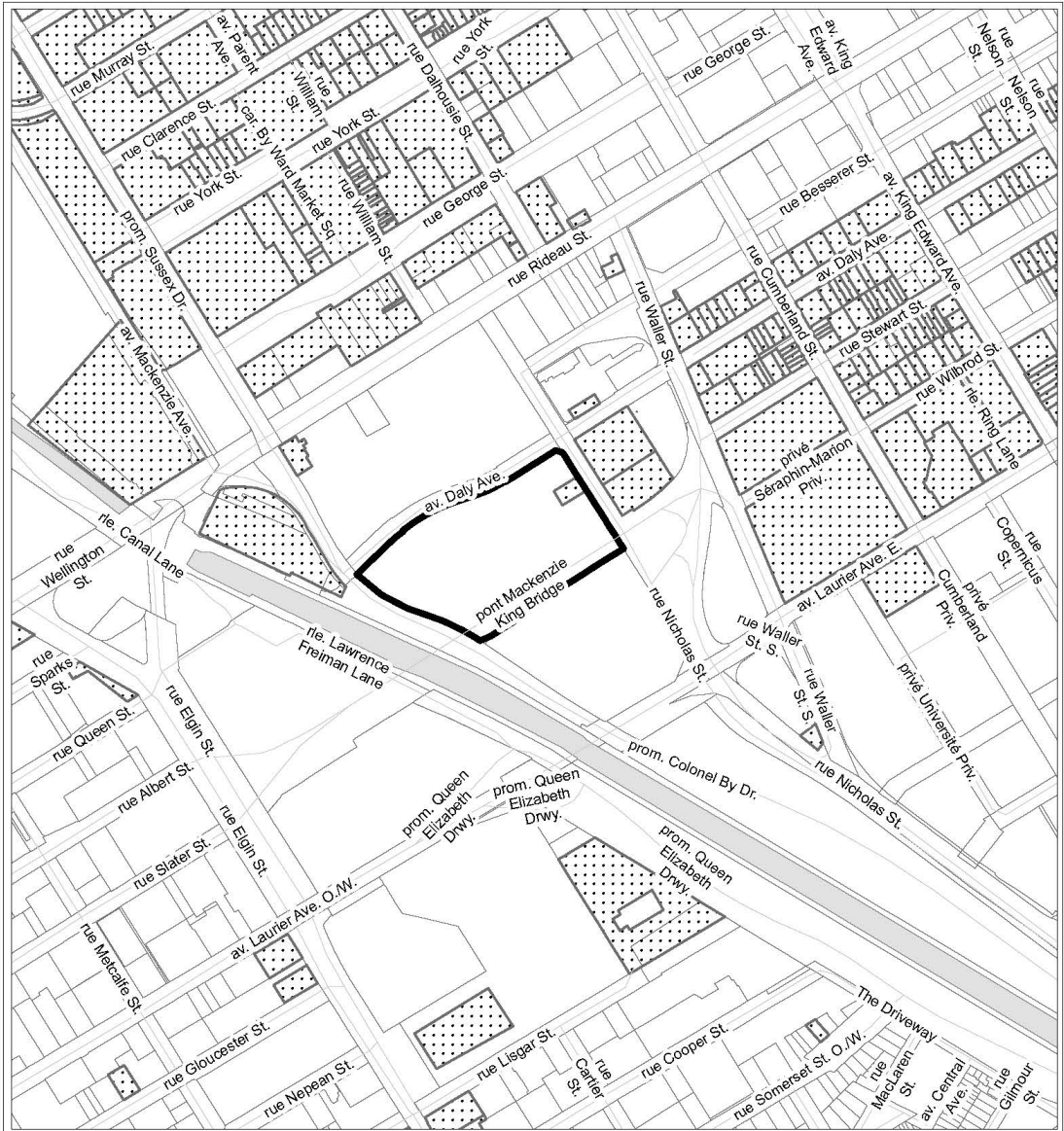
Document 7 Landscape Plan




Document 8 Conservation Plan

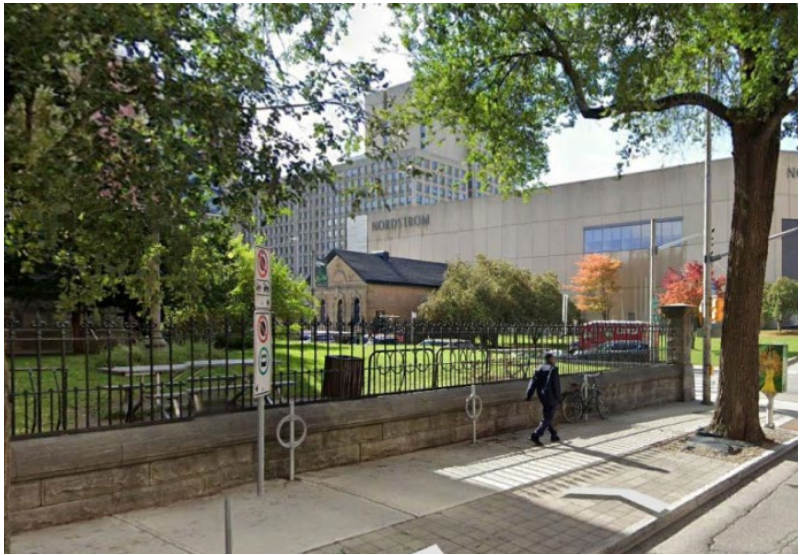
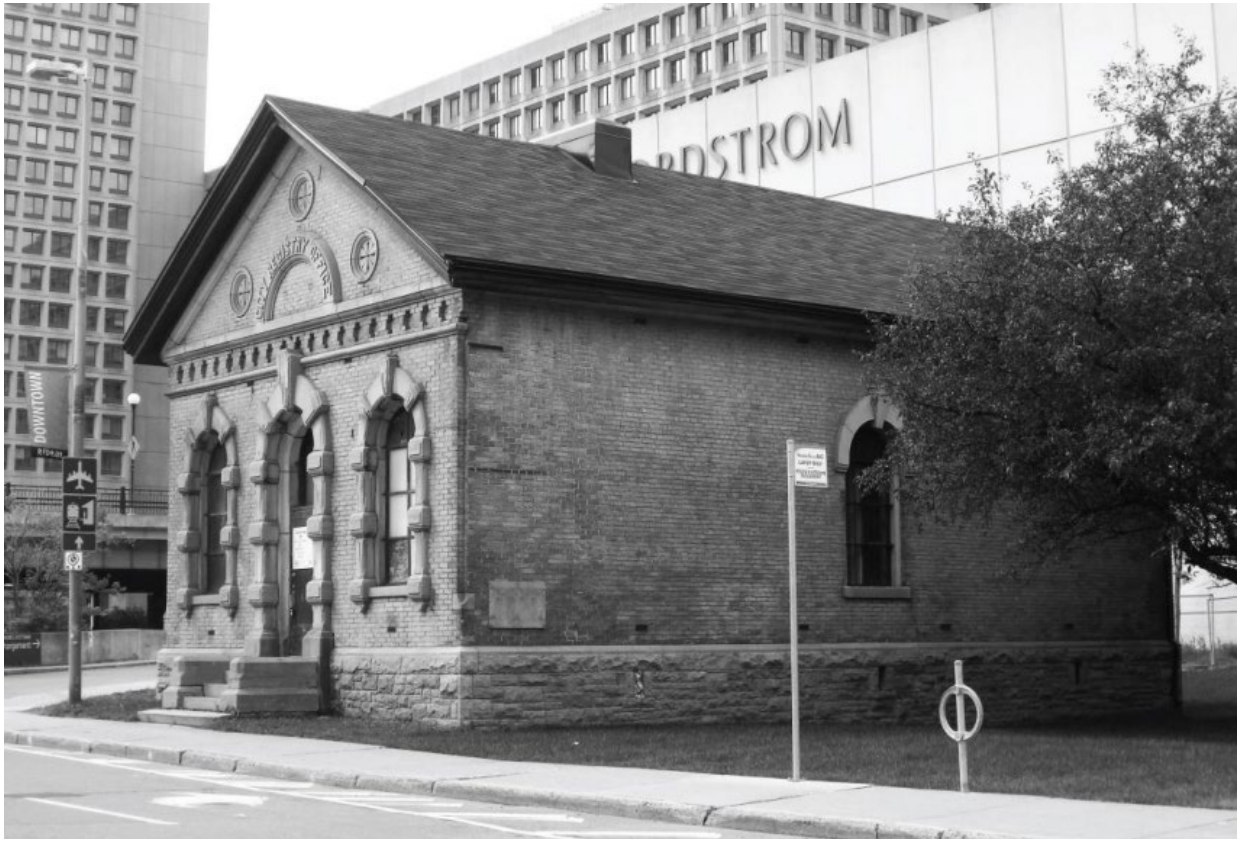
**DISPOSITION**

Office of the City Clerk, Council and Committee Services, to notify the property owner and the Ontario Heritage Trust (10 Adelaide Street East, 3rd Floor, Toronto, Ontario, M5C 1J3) of Council's decision.

Document 1 – Location Map



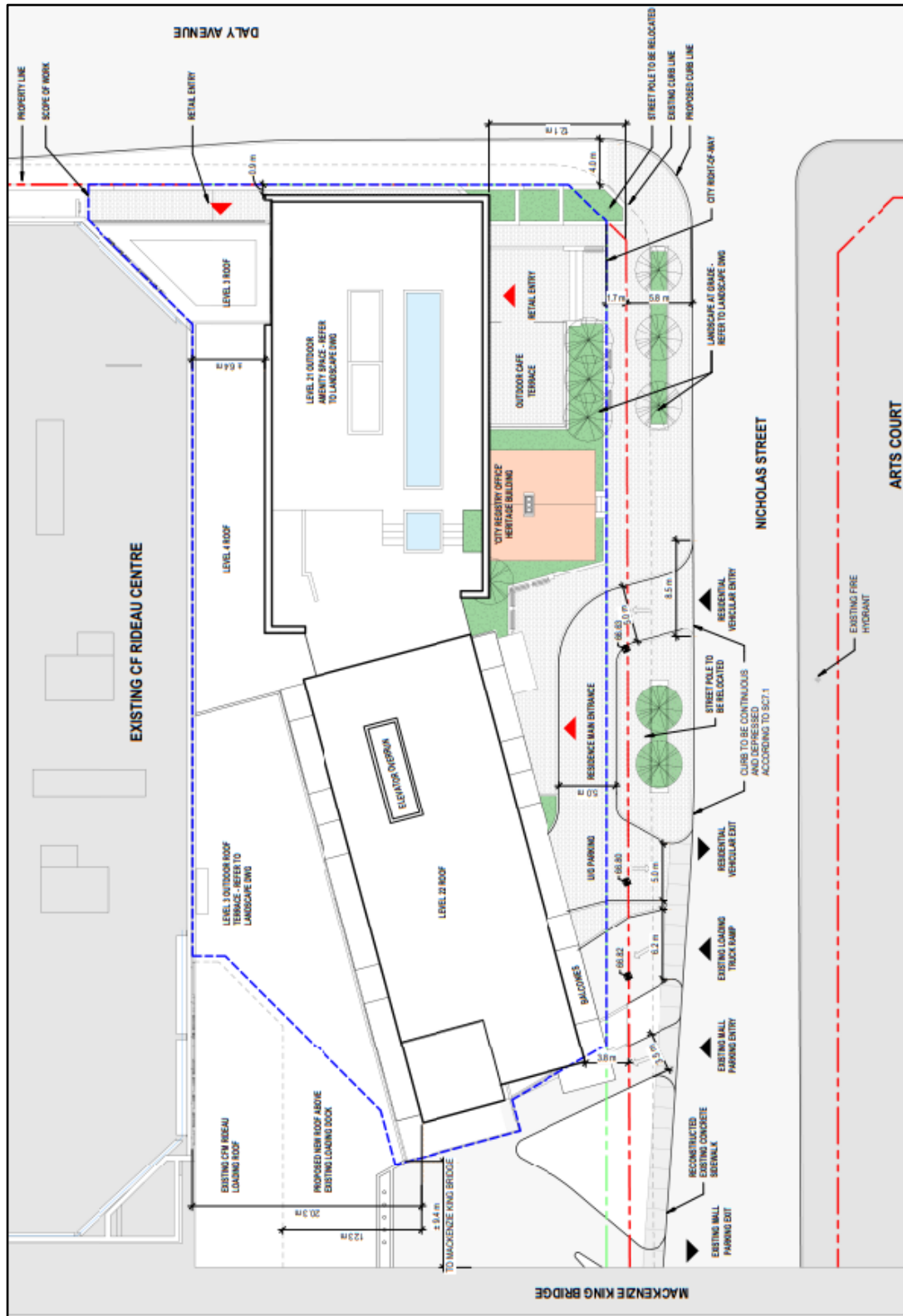
		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
D09-01-NICH70	22-0465-D	 <b>70 rue. Nicholas Street</b>	 Heritage (Section 60) Patrimoine (Article 60)
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REVISION / RÉVISION - 2022 / 05 / 17		Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)	

**Document 2 – Photographs**

Images (top to bottom): Southwest perspective of CRO (Barry Padolsky Associates Inc.); front façade (City of Ottawa); view of CRO facing the old Ottawa Courthouse and Gaol



Document 3 – Proposed Site Plan



70 Nicholas Street – Proposed Site Plan (Barry Padolsky Associates Inc.)