

2. Memorandum of Understanding between the City of Ottawa and 801 Albert Street Inc.

Protocole d'entente entre la Ville d'Ottawa et 801 Albert Street Inc

Committee recommendations as amended

That Council:

- 1. delegate the authority to the General Manager of Planning, Infrastructure and Economic Development to enter into a Memorandum of Understanding as described in this report and detailed in Document 2;**
- 2. approve that, to allocate the full \$1.25M from the sale to affordable housing, requirement 1.4 of the City's Disposal of Real Property Policy be waived and that monies received from the sale of the lands (as described in Motion N° PLC 2019 14/3) to 801 Albert Street Inc. be directed towards affordable housing.**

Recommandations du Comité telles que modifiées

Que le Conseil :

- 1. délègue au directeur général de la Planification, de l'Infrastructure et du Développement économique le pouvoir de conclure un protocole d'entente comme le décrit le présent rapport et l'explique en détail le document 2;**
- 2. approuve que, pour dédier l'entièreté de la somme de 1,25 M\$ dans le logement abordable, l'exigence 1.4 de la Politique sur l'aliénation des biens immobiliers soit suspendue et que le produit de la vente des terrains (l'indique le motion n° PLC 2019 14/3) comme appartenant à 801 Albert Street Inc. soient dédiés au logement abordable.**

For the Information of Council

Planning Committee approved the following motion:

That the following replace the text of the "Comments by Ward Councillor"

section of the Memorandum of Understanding between the City of Ottawa and 801 Albert Street Inc. Report:

- “I am pleased to see this investment in Affordable Housing by Trinity Developments and thank them for the ongoing deliberations to arrive at the amount. However, this MOU is also evidence that the City of Ottawa needs a strong Inclusionary Zoning policy to ensure affordable housing is provided in all new developments. Communities and the City should not be required to fight for affordable housing funds to be supplied retroactively. An IZ policy would have achieved more affordable units within a site in close proximity to rapid transit.

The community expects that these funds will remain within the vicinity of 900 Albert and will help to provide affordable housing units in this community to contribute to transit oriented development around the new LRT stations.”

Pour la gouverne du Conseil

Le Comité de l'urbanisme approuvé la motion suivante :

Que le contenu de la section « Commentaires de la conseillère de quartier » du protocole d'entente entre la Ville d'Ottawa et 801 Albert Street Inc. soit remplacé par le texte suivant :

- « Je suis ravie de cet investissement de Trinity Developments dans le logement abordable, et je remercie l'entreprise pour les négociations continues en vue d'arriver à ce nombre. Cependant, le PE illustre bien la nécessité pour la Ville d'Ottawa d'élaborer une solide politique en matière de zonage d'inclusion afin que des logements abordables soient inclus dans tous les nouveaux aménagements. La population et la Ville ne devraient pas avoir à se battre pour obtenir du financement rétroactif. Une politique en la matière aurait permis d'aménager un plus grand nombre de logements abordables à proximité des transports en commun rapides.

La population s'attend à ce que les fonds soient dépensés à proximité du 900, rue Albert et servent à offrir des logements abordables dans des aménagements axés sur le transport en commun près des stations de train léger. ».

Documentation/Documentation

1. Director's report, Planning Services, Infrastructure and Economic Development Department, dated September 25, 2019 (ACS2019-PIE-PS-0061)

Rapport de la Directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 25 septembre 2019 (ACS2019-PIE-PS-0061)
2. Extract of draft Minutes, Planning Committee, October 10, 2019

Extrait de l'ébauche du procès-verbal, Comité de l'urbanisme, le 10 octobre 2019

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
10 October 2019 / 10 octobre 2019**

**and Council
et au Conseil
23 October 2019 / 23 octobre 2019**

**Submitted on 25 September 2019
Soumis le 25 septembre 2019**

**Submitted by
Soumis par:**

**Lee Ann Snedden
Director / Directrice**

Planning Services / Services de la planification

**Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

Contact Person / Personne ressource:

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Ward: SOMERSET (14)

File Number: ACS2019-PIE-PS-0061

**SUBJECT: Memorandum of Understanding between the City of Ottawa and 801
Albert Street Inc.**

OBJET: Protocole d'entente entre la Ville d'Ottawa et 801 Albert Street Inc.

REPORT RECOMMENDATION

**That Planning Committee recommends that Council delegate the authority to the
General Manager of Planning, Infrastructure and Economic Development to enter**

into a Memorandum of Understanding as described in this report and detailed in Document 2.

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil de déléguer au directeur général de la Planification, de l'Infrastructure et du Développement économique le pouvoir de conclure un protocole d'entente comme le décrit le présent rapport et l'explique en détail le document 2.

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

900 Albert Street

Owner

801 Albert Street Inc.

Applicant

801 Albert Street Inc.

Brief history of proposal

The site was subject to applications for an Official Plan and Zoning By-law amendment that were considered by Planning Committee on July 10, 2018 and Council on July 11, 2018. As part of the Zoning By-law amendment approved by City Council, a holding provision (h) was placed on the property. This holding symbol may only be removed upon the satisfaction of the following criteria, thereby allowing development to proceed:

- 1) Approval of a Site Plan Control application to the satisfaction of the General Manager, Planning Infrastructure and Economic Development that contains the following:

- a) A condition for the provision of Affordable Housing units consistent with Official Plan policies, to the satisfaction of the General Manager, Planning Infrastructure and Economic Development.
- b) Consultation with a subcommittee on the Urban Design Review Panel. The recommendations of the subcommittee, where appropriate, shall be considered in the final building elevations and Site Plan Control approval report to the satisfaction of the General Manager, Planning Infrastructure and Economic Development.

To date, it should be noted that the Site Plan Control approval process has not yet been finalized. The applicant and staff have met with a subcommittee of the Urban Design Review Panel, and staff have received a resubmission that incorporates recommendations of the Committee. This recent resubmission is currently being circulated for comments.

While the Site Plan report will come before Committee and Council in the near future, the focus of this report is to update Committee and Council on the progress of the first holding provision, that being affordable housing.

DISCUSSION

Through negotiations between staff and the applicant, to address the issue of affordable housing the intent is for the City of Ottawa and Trinity Developments to enter into a Memorandum of Understanding (MOU). The MOU, will outline the total contributions and the timing towards affordable housing, as shown on Document 2 of the report.

The total amount to be paid towards the City's general reserve for affordable housing as per the MOU would be \$6,250,000.00. A minimum of 60 per cent of the total amount will be paid upon the issuance of the first residential occupancy permit for the first tower. If the number of residential units in the first tower is greater than 60 per cent of the overall number of residential units in the development, the amount to be paid shall be equal to the percentage of units to be provided in the first tower, as compared to the overall development. The remainder shall be due upon the issuance of the first occupancy permit for the second residential tower.

It is acknowledged by the applicant that the contributions from the MOU would be in addition to those cash and non-cash contributions that form part of the Section 37 Agreement. The Section 37 agreement includes a separate required payment of

\$525,000.00 towards the Ward 14 affordable housing fund, along with contributions of \$350,000.00 towards the Ward 14 Community Parks Fund and \$100,000.00 to the Ward 14 Community Garden Fund.

As part of the Site Plan Control approval process, the framework and deliverables of the MOU would be integrated into the agreement as a condition registered on title. Council has directed that the final Site Plan Control approval be brought back to Committee and Council for approval, as delegated authority to staff has been removed. As such, Council will have the final approval as to the wording of the condition related to affordable housing.

As noted, both the affordable housing and UDRP requirements must be satisfied as part of the Site Plan Control process, prior to Committee and Council being able to consider the future by-law for the lifting of the 'h' holding provisions. This then ensures these elements are in place prior to any construction taking place. Staff expects the Site Plan Control report and the lifting of holding by-law amendment will be brought forward to Planning Committee by the end of 2019.

For this proposal's consultation details, see Document 3 of this report.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor McKenney ~~is aware of this report~~ provided the following comment: (amended per Motion N° PLC 2019 14/2)

"I am pleased to see this investment in Affordable Housing by Trinity Developments and thank them for the ongoing deliberations to arrive at the amount. However, this MOU is also evidence that the City of Ottawa needs a strong Inclusionary Zoning policy to ensure affordable housing is provided in all new developments. Communities and the City should not be required to fight for affordable housing funds to be supplied retroactively. An IZ policy would have achieved more affordable units within a site in close proximity to rapid transit.

The community expects that these funds will remain within the vicinity of 900 Albert and will help to provide affordable housing units in this community to contribute to transit oriented development around the new LRT stations."

LEGAL IMPLICATIONS

The Memorandum of Understanding attached as Document 2 to this report has been negotiated and reviewed by both the City and the proponent to reflect Council's intent of July 11, 2018. While a Memorandum of Understanding is usually a general representation of the direction parties intend to take with respect to a future agreement, and is not legally binding, this MOU contains specific language expressly considered by the Parties to ensure that the document is legally binding and enforceable.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

The total amount to be paid towards the City's general reserve for affordable housing as per the MOU would be \$6,250,000. This is in addition to the Section 37 contributions.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

TERM OF COUNCIL PRIORITIES

This report addresses the following Term of Council Priorities:

- HC3 – Create new and affordable housing options.
- EP2 – Support growth of the local economy.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Memorandum of Understanding

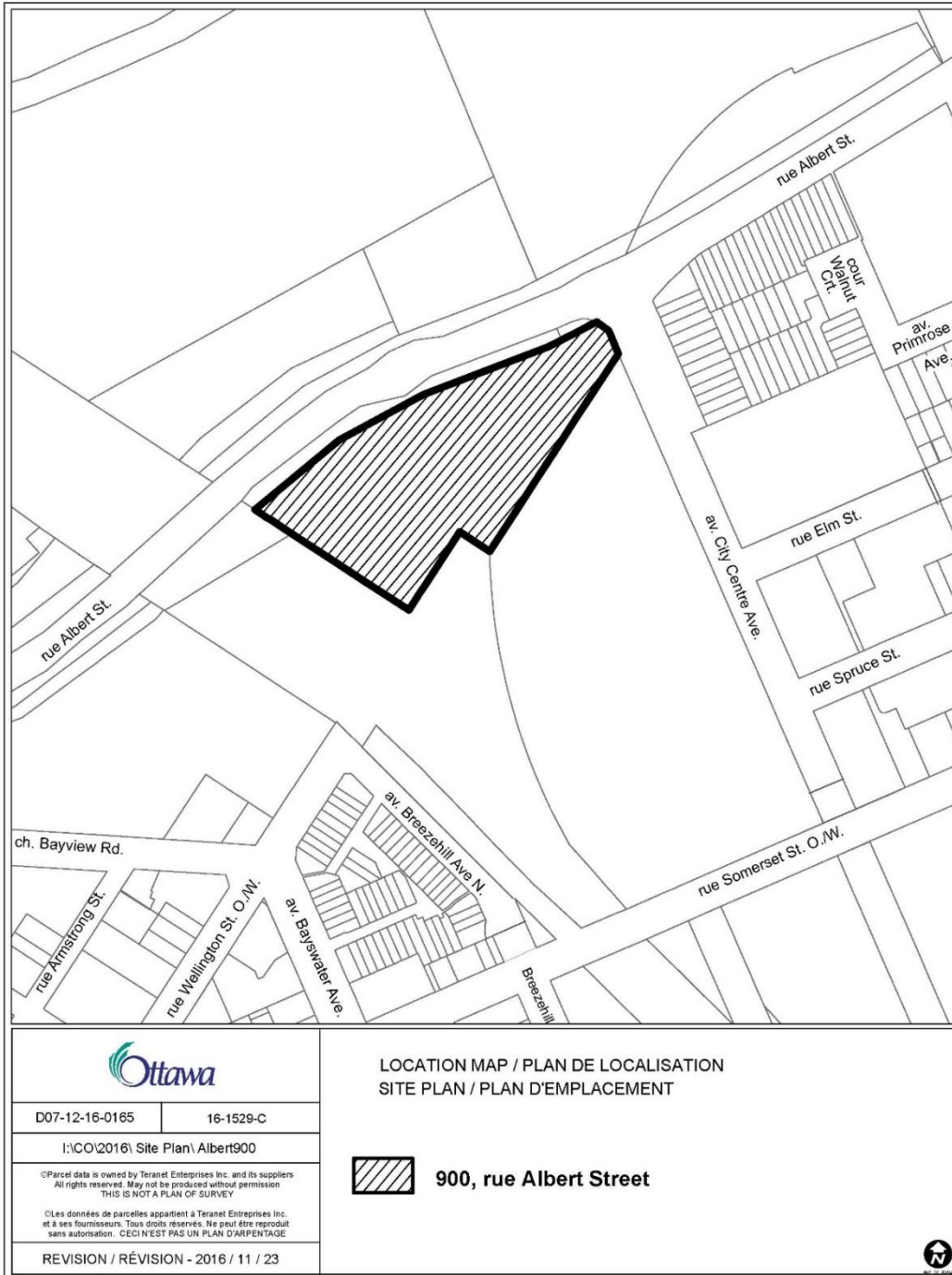
DISPOSITION

Office of the City Solicitor to attend to the execution of the Memorandum of Understanding between the applicant and the City of Ottawa.

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

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



Document 2 – Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

(the "MOU")

DATED: October, 2019

BETWEEN

801 Albert Street Inc.,

("801")

AND

THE CITY OF OTTAWA

("CITY")

Collectively referred to as "the Parties"

900 ALBERT STREET

OTTAWA, ONTARIO

WHEREAS 801 Albert Street Inc. ("801") is the registered owner of the property municipally known as 900 Albert Street (formerly 801 Albert Street) bounded by Albert Street to the north, City Centre Avenue to the east, the O-Train corridor to the west, and the City Centre development to the south;

AND WHEREAS the Property consists of approximately 1.4 hectares of land, located immediately west of the City of Ottawa's downtown core, and abutting the only intersection of the north-south and east-west O-Train lines known as the Trillium and Confederation Lines respectively;

AND WHEREAS the Bayview Station District Secondary Plan vision seeks to transform 900 Albert Street from a vacant, undeveloped parcel into a vibrant mixed use, transit-orientated urban community over the next 25-year horizon;

AND WHEREAS the key to the proper and orderly development of the property is the cooperation between 801 and the City of Ottawa on overall planning, infrastructure and development issues;

AND WHEREAS 801's development of the property will require land use approvals pursuant to Sections 36 and 41 of the *Planning Act* and;

AND WHEREAS, the Official Plan and Zoning By-law amendments, enacted by Council on October 10, 2018 implement the required land use planning policies and performance standards to guide development for this property;

AND WHEREAS, the implementing zoning as approved through By-law 2018-346 implements holding provisions that prohibit development on the property until such times as a Site Plan Control application is approved to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development that contains the following:

A condition for affordable housing units consistent with the Official Plan policies to the satisfaction of the General Manager of Planning Infrastructure and Economic Development.

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 the City of Ottawa;

“MOU” means this Memorandum of Understanding;

“Property” means the lands and premises owned by 801 known municipally as 900 Albert Street (formerly 801 Albert 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 concur that the approved Bayview Station District Secondary Plan, as amended will guide the transformation of the Property from a vacant underutilized parcel of land to a vibrant, mixed-use development, founded upon Transit-Oriented Development (TOD) best practices over the next 25 years.

Both parties recognize that the Bayview Station District Secondary Plan, as amended will provide the framework to guide future planning, design, and development decisions for the Property.

AFFORDABLE HOUSING CONTRIBUTION

4. As part of the requirement for the lifting of the holding, which includes the provision of affordable housing, 801 agrees to contribute \$6,250,000.00 towards the City's general reserve for affordable housing. The \$6,250,000.00 will be pro-rated for each apartment tower in the proposed development based on the following:
 - a. Upon issuance of the first residential occupancy permit for an apartment tower in the development, the amount to be paid shall be the greater of either:
 - I. 60% of the aforementioned amount or;
 - II. If the number of residential units in the first tower is greater than 60% of the overall number of residential units in the development, the amount to be paid shall be equal to the

percentage of units to be provided in the first tower, as compared to the overall development.

- b. The balance of the aforementioned amount shall be paid upon the issuance of the first residential occupancy permit for the second residential tower in the development.
5. 801 acknowledges and agrees these funds do not include the funds committed through the Section 37 Agreement with the City.
6. The parties agree that there shall be no additional contributions to be made by 801 towards affordable housing beyond the amount stated in this MOU (\$6,250,000.00) and in the Section 37 community benefits agreement (\$525,000.00).
7. The parties agree that in accordance with the completed appraisal, the lands shown as parcels one and two on the attached reference plan shall, subject to an agreement of purchase and sale being entered into, be sold by the City to 801 for \$1,250,000.00. 801 agrees to purchase these lands for the aforementioned price.
8. The parties agree that should the lands shown as part three on the attached reference plan be required by 801 as a staging area for the construction of the building at 900 Albert, the payment to the City for the use of this staging area shall be \$365,000.00 (plus Harmonized Sales Tax) which is the amount 801 charged the City for the use of the property at 900 Albert for a temporary multiuse pathways and access. If such lands are required as aforesaid, the parties shall enter into a temporary easement agreement or a license agreement, which shall remain in effect until such time as 801 has completed the development of the lands or is no longer required by 801, whichever is earlier.

COMMUNICATION

9. 801 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

10. Neither this MOU nor its provision are intended to, nor shall they, amend, alter, contravene, add 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, co-ordinate and plan the development of the Property to the mutual benefit of the City and 801. Subject to executing the agreements referred to in Section 7 and 8, this MOU is otherwise intended to be binding on the parties hereto. The Parties' respective officers and addresses are as follows:

801 Albert Street Inc.:

801 Albert Street Inc.
359 Kent Street, Suite 400
Ottawa, ON,

The City:

110 Laurier Avenue West
Ottawa ON, K2P 2L7

AMENDMENT

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

CONFIDENTIALITY

12. This MOU is not confidential and may be made public.

801 ALBERT STREET INC.

Per:

Name:

Title:

Per:

Name:

Title:

We have authority to bind the corporation

THE CITY OF OTTAWA

Per:

Name:

Title:

We have authority to bind the corporation.

