

4. Zoning By-law Amendment – 385 Sussex Drive

Modification du Règlement de zonage – 385, promenade Sussex

Committee recommendation, as amended:

That Council approve an amendment to Zoning By-law 2008-250 for 385 Sussex Drive (Notre Dame Cathedral Basilica) to permit a temporary parking lot for a maximum of two years, as detailed in Document 2 (as amended).

Recommandation du Comité, telle que modifiée :

Que le Conseil approuve la modification du Règlement de zonage (no 2008-250) pour le 385, promenade Sussex (basilique-cathédrale Notre-Dame), afin d'autoriser un parc de stationnement temporaire pour une période maximale de deux ans, comme l'explique le document 2 (tel que modifié).

For the information of Council

The following motion was approved at Committee:

THEREFORE BE RESOLVED that City assists and/or provides guidance to the Archdiocese in its redevelopment planning efforts to reflect the importance of the Parliament and Confederation Boulevard Special District to which this site is located, and to align with the goals of the ByWard Market Public Realm Plan;

BE IT FURTHER RESOLVED that the redevelopment planning efforts include the engagement of a City-led Public Advisory Group comprised of stakeholders such as the Lowertown Community Association and the local BIA, the local Councillor and other helpful stakeholders as may be

identified during the process to help advise the Diocese on redevelopment designs and land uses that could achieve broad community support.

Pour la gouvernance du conseil

Le Comité a approuvé la motion suivante :

PAR CONSÉQUENT, IL EST RÉSOLU QUE la Ville aide ou oriente l'archidiocèse dans la planification du réaménagement afin de rendre justice au secteur spécial de la Cité parlementaire et du boulevard de la Confédération, où se trouve le site, et de voir à l'atteinte des objectifs du Plan du domaine public du marché By;

IL EST EN OUTRE RÉSOLU QUE la planification du réaménagement se fasse de concert avec un groupe consultatif public dirigé par la Ville et composé d'intervenants comme l'Association communautaire de la Basse-Ville, la ZAC locale, le conseiller du quartier et d'autres intervenants qui seraient identifiés au cours du processus, groupe qui conseillerait le diocèse sur les plans de réaménagement et les utilisations du sol propres à apporter des bénéfices à l'ensemble de la communauté.

Documentation/Documentation

1. Report from the Acting Director, Planning Services, Planning, Real Estate and Economic Development Department, dated January 12, 2022 (ACS2022-PIE-PS-0011)

Rapport de la Directrice par intérim, Services de la planification, Direction générale de la planification, des biens immobiliers et du développement économique, daté le 12 janvier 2022 (ACS2022-PIE-PS-0011)

2. Extract of draft Minutes, Planning Committee, January 27, 2022

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 27 janvier 2022

Subject: Zoning By-law Amendment – 385 Sussex Drive

File Number: ACS2022-PIE-PS-0011

Report to Planning Committee on 27 January 2022

and Council 9 February 2022

**Submitted on January 12, 2022 by Lily Xu, Acting Director, Planning, Real Estate
and Economic Development**

**Contact Person: Allison Hamlin, Planner III (A), Development Review Central /
Examen des demandes d'aménagement centrale**

613-580-2424, 25477, Allison.Hamlin@ottawa.ca

Ward: Rideau-Vanier (12)

Objet : Modification du Règlement de zonage – 385, promenade Sussex

Dossier : ACS2022-PIE-PS-0011

Rapport au Comité de l'urbanisme

le 27 janvier 2022

et au Conseil le 9 février 2022

**Soumis le 12 janvier 2022 par Lily Xu, Directrice par intérim, Direction générale de
la planification, des biens immobiliers et du développement économique**

**Personne ressource : Allison Hamlin, Urbaniste III (A), Examen des demandes
d'aménagement centrale**

613-580-2424, 25477, Allison.Hamlin@ottawa.ca

Quartier : Rideau-Vanier (12)

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to
Zoning By-law 2008-250 for 385 Sussex Drive (Notre Dame Cathedral Basilica)**

to permit a temporary parking lot for a maximum of three years, 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 February 9, 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 (n° 2008-250) visant le 385, promenade Sussex (basilique-cathédrale Notre-Dame) pour permettre l'aménagement d'un parc de stationnement temporaire pour une période maximale de trois ans, comme l'expose en détail le Document 2.
2. 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 9 février 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

385 Sussex Drive (Notre Dame Cathedral Basilica)

Owner

Catholic Archdioceses of Ottawa-Cornwall (Attn: Bernard McDonell)

Applicant

FoTenn Planning + Design (Attn. Thomas Freeman)

Description of site and surroundings

The Notre Dame Cathedral Basilica site is bounded by St. Patrick Street to the south, Parent Avenue to the east and Guigues Avenue to the north. At the rear of the place of worship, there is a parking lot containing 142 parking spaces. The southeast portion of the parking lot contains 85 permanent public parking spaces. The northeast portion of the parking lot consists of 57 temporary public parking spaces, which are the subject of the current application.

The surrounding land uses are varied. The National Gallery of Canada is located directly opposite the site along Sussex Drive. Federal government offices are located to the north along Sussex Drive, and a three-storey mixed-use building and the Embassy of the United States are located to the south along Sussex Drive. There is a small commercial parking lot to the south at the intersection of St. Patrick Street and Parent Avenue. There are also several two- and three-storey residential buildings surrounding the site. The ByWard Market area is located further to the south.

Summary of requested Zoning By-law amendment proposal

The purpose of the rezoning application is to permit the continuation of the commercial parking lot on a temporary basis for an additional three years.

Brief history of proposal

Approvals were given in 1992 and 1996 for the use of the 85-space parking area for temporary periods of three years. Permanent public parking for this portion of the site was approved by City Council for the former City of Ottawa in 2000. The need for

parking was based on a 1995 Central Area Parking Study Update and that report was used to support the request. The City's Official Plan also did not prohibit surface parking at that time.

In 2003, the Roman Catholic Archdiocese of Ottawa requested and was granted permission to demolish two buildings within the Lowertown West Heritage Conservation District at the northeast side of the lot and replace them with a commercial parking lot as an interim use to raise funds to redevelop the site. This decision was appealed to the Ontario Municipal Board (OMB), and an order was issued in 2004, permitting the parking lot as a temporary use. The OMB also approved a site plan (shown in Document 4) for the whole parking area. In 2008, 2011, and 2015, the Archdiocese was granted three-year extensions by Ottawa City Council for the temporary parking lot use.

In October 2014, the application for a permanent parking lot was submitted. Prior to the submission of this application, staff advised the applicant that a permanent parking lot for the 57 spaces in the north-east portion of the site could not be supported by the policies of the Official Plan for the Central Area.

In May 2015, following discussions with City staff, the proposal was amended to request permission for the continued use of the parking lot for a three-year period. This extension expired on May 27, 2018.

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 local business owner noted no opposition. Nine other residents, including members of the Lowertown Community Association, responded with comments and concerns, chiefly about the repeated requests for extensions and the lack of redevelopment.

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

Official Plan designation

Because this application was received after the day the new Official Plan was adopted (on October 27, 2021) but before the Minister's approval of the new Official Plan, this report evaluates policies within both the existing and new Official Plans. According to the Council approved policy for "Transition of In-stream Applications", in the period between Council approval of the new OP and the Minister's approval of the new OP, staff applies whichever provision, as between the existing and new OP, is more restrictive.

Existing Official Plan

The subject lands are designated Central Area as shown on Schedule B of the Official Plan. Section 3.6.6 acknowledges the Central Area as the economic and cultural heart of Ottawa, as well as the symbolic heart of the nation. The Official Plan policies prioritize walking, cycling and transit use in the Central Area and seek to minimize car traffic through the downtown core.

Section 3.6.6.9 of the Official Plan includes specific parking policies for the Central Area, and states: "the City will ensure that parking and loading facilities address the unique role of the Central Area and contribute to an enjoyable, safe and secure pedestrian environment." It goes on to list how this is to be achieved. The City is to facilitate the provision of short-term parking to serve the retail and commercial sectors and the tourism industry, while limiting long-term parking that would be attractive to commuters. The policies discourage temporary surface parking on vacant sites (3.6.6.9.b) and require all permanent parking associated with new development to be located within a parking structure above or below grade (3.6.6.9.c). The design of temporary surface parking lots and of parking structures should make positive contributions to the pedestrian environment and create an attractive and enjoyable street environment.

New Official Plan

The subject property is located within the Downtown Core Transect as outlined on Schedule A – Transect Policy Areas of the new Official Plan. The Downtown Core is "the historic, geographical, physical, cultural, symbolic and employment hub of the

National Capital Region". Section 5.1.2.3 of the new Official Plan states that "motor vehicle parking in the Downtown Core shall be managed as follows:

- Motor vehicle parking shall not be required in new development, other than visitor parking for largescale residential development; and
- new surface parking lots, and expansions to existing surface parking lots, shall be prohibited in the Downtown Core".

Additionally, the property is designated as Mainstreet Corridor as outlined on Schedule B1 – Downtown Core Transect of the new Official Plan. The Corridor designation applies to bands of land along specified streets whose planned function combines a higher density of development, a greater degree of mixed land-use, and a higher level of street transit service than abutting Neighbourhoods, but lower density than nearby Nodes.

The property is also located within the Parliament and Confederation Boulevard Special District as outlined on Schedule B1 of the new Official Plan. Special Districts are parts of the City that are important internationally, nationally and to the metropolitan area. They define the image of the city through their cultural heritage value, architecture, public realm, their roles as tourism attractions, and/or as major economic generators.

Mobility Policies in Section 4.1.4 Policy 2 direct the City to manage the supply of parking to minimize and to gradually reduce the total land area in the City consumed to provide surface parking. Minimum parking requirements may be reduced or eliminated, and maximum parking limits may be introduced, in specific locations, including Hubs and Corridors.

Policy 11 directs that surface parking lots should be designed to meet all of the following:

- a) Minimize the number and width of vehicle entrances that interrupt pedestrian movement; and
- b) Provide safe, direct and well-defined pedestrian and cycling connections between the public street and all buildings, and between all buildings within the site; and

- c) Landscaping requirements shall be in addition to landscaping requirements for the right of way around the perimeter of parking lots; and
- d) Include regular spacing of tree islands that support the growth of mature shade trees and incorporate Low Impact Development measures for stormwater management where feasible; and
- e) Be designed to anticipate redevelopment of the site over time and facilitate future intensification, severance and infill; and
- f) Encourage the provision of electric vehicle charging spaces and dedicated car share spaces.

Central Area Secondary Plan

The site is located within the Canal Character Area of the Central Area Secondary Plan, and the policies do not specifically address parking or parking lots.

Other applicable policies and guidelines

Zoning By-law

The current zoning of the site is [Minor Institutional, Subzone A, Urban Exception 333, Schedule 207](#) (I1A[333] S207). The commercial parking lot has been the subject of temporary zoning permissions in 2005, 2008, 2011 and 2015. The most recent permission expired on May 27, 2018.

The purpose of the Minor Institutional Zone is to permit a range of community uses, institutional accommodation and emergency service uses to locate in areas designated as General Urban Area or Central Area in the Official Plan, and to minimize the impact of these minor institutional uses located near residential uses by ensuring that such uses are of a scale and intensity that is compatible with neighbourhood character.

Heritage

The site is within the Lowertown West Heritage Conservation District. The Notre Dame Cathedral Basilica is designated under Part IV of the *Ontario Heritage Act*. It is also designated under Part V of the Ontario Heritage Act as part of the Lowertown West

Heritage Conservation District. In addition, the building is designated as a National Historic Site.

Urban Design Review Panel

The property is within a Design Priority Area; however, the Zoning By-law amendment application was not subject to the Urban Design Review Panel (UDRP) process because the parking lot does not meet the criteria for review.

Planning rationale

The existing Official Plan (2003) policies for the Central Area and in the Downtown Core Transect of the new Official Plan specifically discourage surface parking. The Central Area policies discourage even a temporary parking lot, which is to be considered only through a rezoning process (Policy 3.6.6.9.b).

Section 5.2.1 of the existing Official Plan (2003) states that the City may authorize the temporary use of lands, buildings or structures by Zoning By-law amendment for a period not to exceed three years, and that Council may grant further periods of not more than three years. There are no limits in the Official Plan or Planning Act on the number of extensions that may be granted.

Section 11.6 Policy 9 of the new Official Plan states: "The City may authorize, by by-law, the temporary use of lands, buildings or structures for any purpose set out therein that would otherwise be prohibited by the City's Zoning By-law. The City is under no obligation to renew temporary use by-laws beyond a period of time that can reasonably be deemed as temporary, if the continuation of such uses is deemed to contradict the policy objectives of this Plan".

Staff acknowledge the concern of Lowertown residents with the lack of progress towards redevelopment. Staff note that refusal of this Zoning By-law amendment will not prohibit surface parking on this property. Rather, it will mean that the southeast portion of the parking lot with 85 permanent public parking spaces will continue as paid parking and the remainder, including the northeast portion of the parking lot with 57 parking spaces that is the subject of this application, will be accessory parking for the place of worship.

Staff conclude that the 57 parking spaces are functional and have an approved site plan application in place. Staff will request that Owner provide an updated stormwater management memorandum assessing the condition of the stormwater management system, to the satisfaction of the General Manager of Planning, Real Estate and Economic Development, prior to introducing the temporary use by-law for adoption.

Planning Act

The *Planning Act* requires that all City planning decisions be consistent with the Provincial Policy Statement (PPS), as the document that provides policy direction on matters of Provincial interest related to land use development.

Provincial Policy Statement

Staff have reviewed this Zoning By-law amendment and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with these applications.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury provided the following comments:

“The request to extend the permit to allow a temporary parking lot at the Notre Dame Cathedral Basilica at 385 Sussex Dr. is now celebrating 23 years as a parking lot. The intention, after receiving approval in 1998 from Council was to see a redevelopment of the land behind the Cathedral. Since its initial approval for a temporary parking lot, three subsequent applications to extend the temporary use were made – 2008, 2011 and most recently in 2015.

I and my community have been vocal on the importance of seeing renewal at this surface lot on the edge of the ByWard Market, within the Heritage conservation district and of the edge of the Lowertown Community.

City staff are once again recommending that Archdiocese have a little more time figuring out what to do with this land.

I understand how complicated the governance for the Diocese and approvals are, and how COVID has created instabilities on the church's financials. However, I do also know that without even the intent of a plan, it is very hard to see progress on this.

And the request for temporary renewal has become a staple. Something to do when the permit is expired.

The opportunities the City has for the Public Realm plan for the market are grand.

One of the goals is to move parking from the core of the district to the edge and remove the parking structure at York and Byward, creating a space for a new destination building.

The lot at 385 Sussex Dr. could allow for an underground parking garage, with the surface area open to having appropriate development at the ground level. This would allow the repurposing of the current parking structure at York and Byward Market Streets into that Destination Building, enhancing our greatest City tourist destination, the Byward Market.

The City has a reserve account for parking, which under the current council approach limits its spending to just that - parking.

This creates a unique funding source for the Diocese to partner with the City for an underground parking lot at the land behind the Cathedral.

I would argue that time has expired.

And now the City should demand a plan for the parcel of land where the Church tore down two historic buildings and has been parking vehicles ever since in its place.

The City should not allow this extension unless there is a clear action plan with clear objectives and timelines.

I want the Church to honour its agreement with the community to develop this land, and frankly, approving another extension to the temporary zoning sends the wrong message. The City must first take to stop the revenue on this surface lot.

If we stop that, there will be a motivation to redevelop that parcel.

One simple move from the City – to finally say enough is enough- would support the Byward Market Realm Plan.

We need to finally say no.

And finally, say temporary means just that – a short-term, not 23 years.

We are asking for a long-term plan for this lot and see tremendous opportunities for partnerships.

I ask that this committee agree and reject this proposal to extend its lease and request a timeline for a plan for redevelopment of this parcel of land from the Diocese.”

LEGAL IMPLICATIONS

A temporary Zoning By-law amendment is permitted under the *Planning Act* for a period of not more than three years. Further extensions are also permitted under the *Act* as long as subsequent temporary by-laws do not exceed three years. There is no maximum established under the *Act* limiting how many times a municipality may permit a temporary Zoning By-law for a particular property.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with this application.

ASSET MANAGEMENT IMPLICATIONS

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

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this application.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Integrated Transportation

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0142) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

Document 4 Site Plan (approved by the OMB in 2005)

CONCLUSION

The existing Official Plan (2003) and the new Official Plan discourage surface parking in the Central Area. However, both Official Plans permit the temporary use of the lands in such cases and place no limits on the number of extensions that may be granted. The Department recommends the requested Zoning By-law amendment be approved for another three years. Although planning staff are recommending support for the temporary use of the lands for a parking lot for the fifth time since the demolition of the two heritage buildings in 2003, staff are at the same time advising the owner that planning policy is becoming less supportive of this continued use and urge the owner to explore redevelopment options before the 2025 expiry.

DISPOSITION

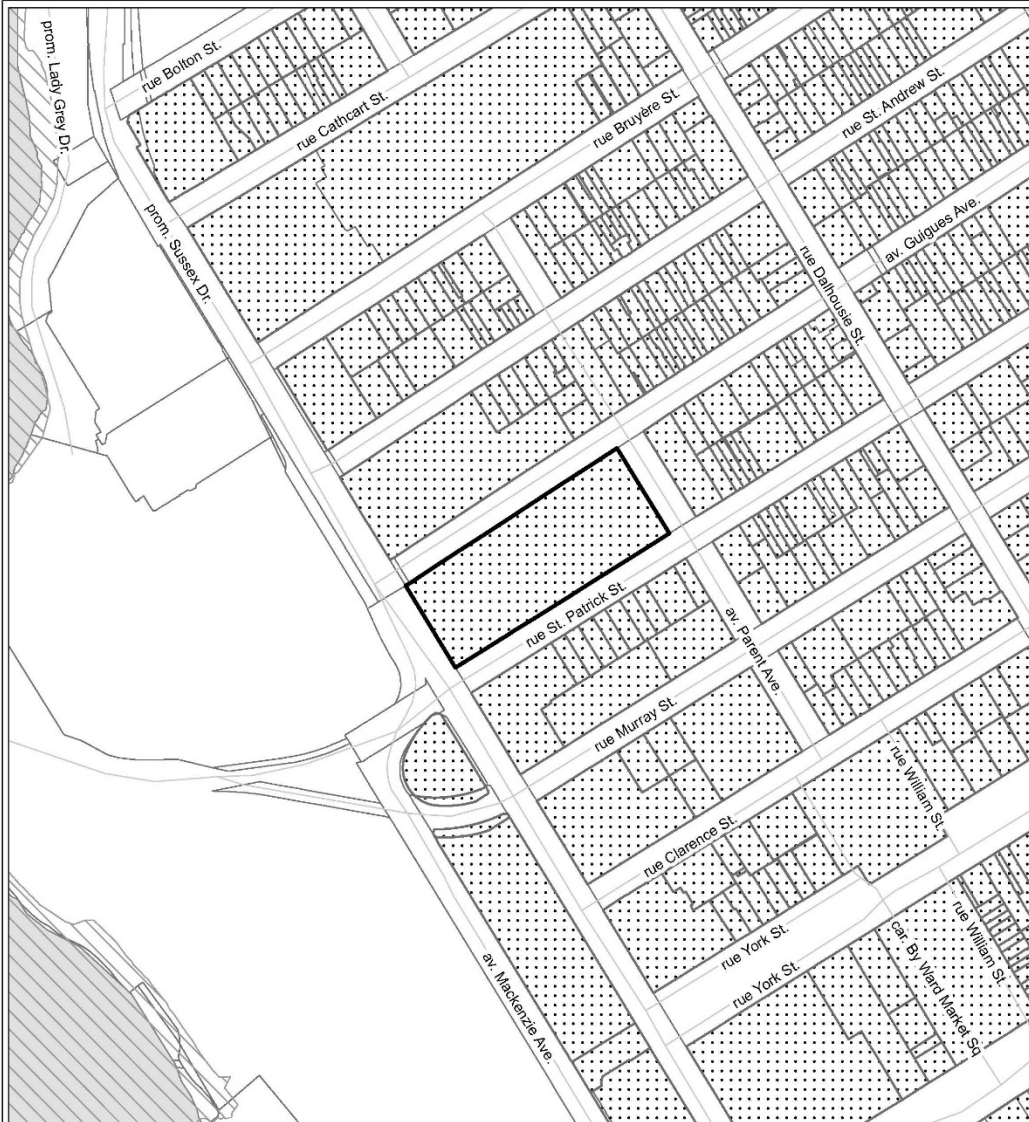
Committee and Council Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.




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



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0142	21-1466-Y	 385 promenade Sussex Drive	
I:\CO\2021\Zoning\Sussex385			
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REVISION / RÉVISION - 2021 / 11 / 23		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 as amended – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 385 Sussex Drive is as follows:

1. Amend exception [333] in Section 239, Urban Exceptions, by replacing the words:
 - a. “May 27, 2015 and expiring on May 27, 2018” in Column V with “February 9, 2022 and expiring on February 9, **2024**.”

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.

Councillor Mathieu Fleury hosted a virtual open house on December 15, 2021, to discuss the proposed zoning change with the community, but was unable to attend. Only one community member attended the meeting.

In total, at the time of report writing, ten residents, including the community association co-president, provided comments and/or their contact information to the City. One had no objection, and the others had concerns or were opposed. Comments and staff responses are summarized below.

Public Comments and Responses

Comment:

1. The parking lot is unnecessary and inconsistent with planning policy.
 - The requested zoning by-law amendment is inconsistent with the city's Official Plan, and additional parking is unnecessary. The property is also located within the Lowertown West Heritage Conservation District and within walking distance of a transit station.

Response:

Planning staff acknowledge that the direction of the Official Plan (2003) discourages temporary surface parking on vacant sites (3.6.6.9.b) and requires all permanent parking associated with new development to be located within a parking structure above or below grade (3.6.6.9.c). The new Official Plan contains stronger language prohibiting new surface parking lots and expansions to existing surface parking lots in the Downtown Core. However, this is not new development as a site plan was approved in 2005 by the Ontario Municipal Board.

2. The parking lot's landscaping needs improvement.

- The hedge bordering the lot is badly deteriorated and the cars parked there shine their headlights directly into our home.
- I would like the parking space to be broken up with tree plantings to help cool the asphalt, absorb carbon, provide oxygen and all the good things trees provide.
- I would like the paved surface of the parking lot to be broken up to allow for water to be absorbed.

Response:

No new construction is proposed, but a landscape plan was approved with the site plan in 2004 by the Ontario Municipal Board, and the property must still meet the Property Standards By-law for upkeep. Staff has provided information contacts for By-law Enforcement staff.

3. History of Approvals

- Have all the Conditions of Approval of the Site Plan (from the 2005 OMB decision) been met? What were those conditions? Who is responsible for their enforcement?
- The applicant failed to renew the zoning permission, which expired in 2018, thus illegally operating this parking lot. Applying for a temporary parking use seems an abuse of the planning process.

Response:

The 2004 site plan approval had site-specific conditions for securities for landscaping and for adhering to the storm water management recommendations. Staff have requested that the applicant demonstrate that the site has been constructed in accordance with the approved plans prior to introducing the by-law to extend the temporary parking permissions.

4. Questions for the owner:

- In Planning Rationale, it says the owner now has neither the financial nor the administrative capacity to plan for any future building on the site. If that is true,

how much money does the parking lot now contribute annually, and how many years will be required to supply the missing financial capacity? What will supply the missing administrative capacity?

- How can a temporary use also be considered an existing use? When and how does a 19-year-old temporary rezoning become the existing use, and hence deserving to be exempt from the Official Plan, which discourages surface parking here?
- The owner should bring forth plans to develop the property in conformity with the Official Plan and in a way that would respect the needs of the surrounding community. Should the owner be unable or unwilling to develop the site, it should be invited to find other temporary alternatives to this property suitable for public use, such as a park or a community garden.

Response:

The applicant has advised that the Archdiocese, like most charitable entities, relies heavily on contributions received from its parishes. While this revenue was sliding due to declining attendance, the trend is exacerbated by the impact of the pandemic. Looking forward through the unknowns of this global event, the revenue stream necessary to support a major office redevelopment project is currently not visible. Furthermore, construction cost escalation suggest that any project would be substantially higher than contemplated when these models were developed.

The applicant has advised that the existing use of the subject lands has been for cathedral buildings and associated parking. When the previous buildings were removed, a site plan was approved by the OMB to establish a parking use on the portion of the lands in question. Although that was originally accompanied by a temporary use permission to use the lands for public parking, in the absence of that permission, the approved land use continues to be parking. The subject application will only determine if the Archdiocese is permitted to again offer the smaller portion of the parking lot in question as paid public parking similar to the balance of the parking area where public parking is permanently permitted. As stated, the current Official Plan policy only discourages new temporary parking on vacant lands and the new Official Plan and Secondary Plan have no policies related to existing surface parking.

Community Organization Comments

Dear Ms. Hamlin,

The Lowertown Community Association (LCA) strongly objects to the Zoning By-law Amendment application to permit the continued temporary use of a commercial public parking lot at 385 Sussex. The LCA opposes any consideration by the city of a further extension of the temporary zoning that until 2018 allowed parking on the site. Permission to operate a parking lot on a temporary basis must be refused until Council has approved a development plan for the site.

In 2003 the Archdiocese sought permission to demolish two heritage buildings and build a permanent parking lot on the property. It stated that its long-term plan was to sell some of its other properties when market conditions improved, consolidate its offices and return to its historic roots in Lowertown. It promised to build a compatible structure on the site that would include underground parking, in part financed by revenues from a temporary parking lot.

Because the site is in a Heritage Conservation District, in accordance with City by-laws demolition could not proceed until Council had first approved plans for a replacement structure. However, after much controversy, including the launch of an appeal by the Archdiocese to the OMB, a compromise deal was struck. The city would allow the demolition, but would only grant temporary zoning permission for parking on the site. For its part, the Archdiocese dropped its OMB appeal and undertook to come forward with suitable development plans within a time frame of approximately 8-10 years. The temporary zoning came into force in 2005 and was renewed in 2008, 2011 and 2014.

As outlined below, our objections are based on the following:

- Nothing in the current application indicates that the Archdiocese has made any effort, or ever intended to fulfil the promise it made to the community, to Council and to the OMB in 2003 and 2004; and
- The use of the property for surface parking is inconsistent with the City's Official Plan (OP) and related planning policies and guidelines. In spite of the arguments presented by the applicant, nothing in the Provincial Policy Statement, the Zoning By-law or the City's OP could remotely be interpreted as justifying the operation

of a surface parking lot on a large property in a strategic downtown location, in a heritage conservation district, within walking distance of a transit station, and in an urban area targeted for intensification; and

- The Archdiocese has had more than ample time and opportunity to bring forward plans to build a mixed-use development that is in conformity with the OP, a promise it first made almost 20 years ago in exchange for the permission from the city to demolish two heritage buildings; and
- As the prior temporary use by-law expired on May 27, 2018, the Catholic Archdioceses continued to operate illegally the parking lot in contempt of municipal regulations and its own promise to bring forward a development plan for the land years ago. Applying yet again for a temporary parking use is an abuse of the planning process; and
- There is no basis for the argument made that the Archdiocese is not in the financial position to fulfil its original promise. Financial information reported by Canada Revenue Agency shows that the Catholic Archdioceses has plenty of revenue and land holding assets to allow it to develop the land or enter into a partnership to develop it. Alternatively, it can opt to sell the land for development.
- Contrary to the arguments presented in the planning rational by the applicant's consultant, the large parking surface negatively impacts the heritage character of the area and the cathedral.

The Archdiocese must be treated no differently than any other large property owner which seeks to evade City policies or zoning requirements with undertakings it is unwilling or unable to keep. Unfortunately, the only recourse now available to the City is to deny zoning approval and to refuse further use of the property for parking until a suitable development plan for the site has been presented and approved by Council.

The LCA would gladly support a redevelopment plan for the site that would fully meet the city's requirements and respect the needs of the surrounding community. However, if the Archdiocese is unable or unwilling to develop the site it should sell it to a developer who is, or make it available for a suitable public use, such as a temporary park.

Sincerely,

Liz Bernstein

Co-President

Lowertown Community Association

Association communautaire de la Basse-Ville

Response to Community Association Comments:

Staff acknowledge that planning policy in Ontario and Ottawa discourage surface parking in the prime downtown locations. However, both the Official Plan (2003) and the new Official Plan permit the temporary use of the lands in such cases for up to three years and place no limits on the number of extensions that may be granted. Council also has the authority to refuse such requests. Staff are recommending approval until 2025 but will continue to work with the owner to encourage redevelopment.

Staff acknowledge the dismay of the local community as the years pass without redevelopment occurring, but staff find the 57 spaces within the 142-space parking lot functional and potentially conducive to raising funds toward a new future. Moreover, staff cannot force an owner to invest in redevelopment, sell lands, or create a public use, particularly when the local owner advises they do not have approval from their higher authorities or financial resources to do so.

Document 4 – Site Plan (approved by the OMB in 2005)

