

**4. Heritage Approach – 50 The Driveway**  
**Démarche patrimoniale – 50, The Driveway**

**Committee recommendations**

**That Council:**

- 1. Authorize the entering into of a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act with the owner of the property at 50 The Driveway, as a requirement of the site-specific zoning amendment (D02-02-21-0072). Such agreement shall address the proposed alterations and development, in the context of conserving the property's cultural heritage value and interest; and,**
- 2. Approve the addition of 50 The Driveway to the City of Ottawa's Heritage Register, in accordance with Section 27 of the *Ontario Heritage Act*, effective as of the date that the applicant withdraws the demolition permit application A20-005202, received July 30, 2020.**

**Recommandations du Comité**

**Que le Conseil :**

- 1. Autorise, en vertu de l'article 37 de la Loi sur le patrimoine de l'Ontario, la conclusion d'une entente de servitude patrimoniale avec le propriétaire du 50, The Driveway à titre de condition afférente à la modification du zonage propre au site (D02-02-21-0072). Cette entente doit traiter des travaux de modification et d'aménagement proposés dans une optique de conservation de la valeur et de l'intérêt patrimoniaux et culturels de la propriété.**
- 2. Approuve l'ajout du 50, The Driveway au Registre du patrimoine de la Ville d'Ottawa, conformément à l'article 27 de la *Loi sur le patrimoine de l'Ontario*, avec entrée en vigueur à la date où le requérant retirera la demande de permis de démolir no A20-005202, reçue le 30 juillet 2020.**

Documentation/Documentation

1. Report from the Acting Manager, Right of Way, Heritage and Urban Design Services, Planning, Real Estate and Economic Development Department, dated February 7, 2022 (ACS2022-PIE-RHU-0008)

Rapport de la Gestionnaire par intérim, Services des emprises, du patrimoine et du design urbain, Direction générale de la planification, des biens immobiliers et du développement économique, daté le 7 février 2022 (ACS2022-PIE-RHU-0008)

2. Extract of draft Minutes, Built Heritage Sub-Committee, March 8, 2022

Extrait de l'ébauche du procès-verbal du Sous-comité du patrimoine bâti, le 8 mars 2022

**Subject: Heritage Approach – 50 The Driveway**

**File Number: ACS2022-PIE-RHU-0008**

**Report to Built Heritage Sub-Committee on 8 March 2022**

**and Planning Committee on 10 March 2022**

**and Council 30 March 2022**

**Submitted on February 7, 2022 by Kevin Lamer, Acting Manager, Right of Way,  
Heritage and Urban Design Services, Planning, Real Estate and Economic  
Development Department**

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**Ward: SOMERSET (14)**

**Objet : Démarche patrimoniale – 50, The Driveway**

**Dossier : ACS2022-PIE-RHU-0008**

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

**le 8 mars 2022**

**et Comité de l'urbanisme**

**le 10 mars 2022**

**et au Conseil le 30 mars 2022**

**Soumis le 7 février 2022 par Kevin Lamer, Gestionnaire par intérim, Services des  
emprises, du patrimoine et du design urbain, Direction générale de la  
planification, de l'immobilier et du développement économique**

**Personne ressource : MacKenzie Kimm, Urbaniste III, Planification du Patrimoine**

**613-580-2424,15203, MacKenzie.Kimm@ottawa.ca**

**Quartier : Somerset (14)**

## REPORT RECOMMENDATIONS

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

1. Authorize the entering into of a Heritage Easement Agreement under Section 37 of the *Ontario Heritage Act* with the owner of the property at 50 The Driveway, as a requirement of the site-specific zoning amendment (D02-02-21-0072). Such agreement shall address the proposed alterations and development, in the context of conserving the property's cultural heritage value and interest.
2. Approve the addition of 50 The Driveway to the City of Ottawa's Heritage Register, in accordance with Section 27 of the *Ontario Heritage Act*, effective as of the date that the applicant withdraws the demolition permit application A20-005202, received July 30, 2020.

## RECOMMANDATIONS DU RAPPORT

Que le Sous-comité du patrimoine bâti recommande au Comité de l'urbanisme de faire les recommandations suivantes au Conseil :

1. Autoriser, en vertu de l'article 37 de la *Loi sur le patrimoine de l'Ontario*, la conclusion d'une entente de servitude patrimoniale avec le propriétaire du 50, The Driveway à titre de condition afférente à la modification du zonage propre au site (D02-02-21-0072). Cette entente doit traiter des travaux de modification et d'aménagement proposés dans une optique de conservation de la valeur et de l'intérêt patrimoniaux et culturels de la propriété.
2. Approuver l'ajout du 50, The Driveway au Registre du patrimoine de la Ville d'Ottawa, conformément à l'article 27 de la *Loi sur le patrimoine de l'Ontario*, avec entrée en vigueur à la date où le requérant retirera la demande de permis de démolir n° A20-005202, reçue le 30 juillet 2020.

## **EXECUTIVE SUMMARY**

This report recommends listing the property at 50 The Driveway on the City's Heritage Register. It also recommends that City Council enter into a Heritage Easement Agreement with the owner at 50 The Driveway, in connection with the proposed redevelopment of the site through the active Official Plan Amendment and Zoning By-law Amendment applications ([D01-01-21-0012](#) and [D02-02-21-0072](#)). These applications are to be considered by Planning Committee and Council together with this report.

## **RÉSUMÉ**

Nous recommandons dans le présent rapport d'inscrire la propriété sise au 50, The Driveway au Registre du patrimoine de la Ville. Nous y recommandons également que le Conseil municipal conclue avec le propriétaire du site une entente de servitude patrimoniale concernant les travaux de réaménagement qui sont proposés dans les demandes actives de modification du Plan officiel et de modification du *Règlement de zonage* ([D01-01-21-0012](#) et [D02-02-21-0072](#)). Ces demandes seront soumises avec le présent rapport à l'étude du Comité de l'urbanisme et du Conseil.

## **BACKGROUND**

The property at 50 The Driveway contains a three-storey red brick and concrete building constructed in 1965 as the headquarters of the Canadian Nurses Association and is located at the edge of the Centretown neighbourhood in the area known as the Golden Triangle. Situated at the intersection of The Driveway and Lewis Street (see Documents 1 and 2, Location Map and Photos), adjacent to the German Embassy (to the south), the building is set into the landscape and includes a paved parking lot area on its west side. The property is separated on its east from the Rideau Canal World Heritage Site by the Queen Elizabeth Driveway and its landscaped buffer area.

At this time, the property has no heritage status. The building was identified by the City's consultant ERA Architects for its cultural heritage value and interest as part of the Centretown Heritage Inventory, completed as part of the Centretown Heritage Study. The consultant recommended that this property and 17 others be considered for designation under Part IV of the *Ontario Heritage Act* (the *Act*). As an interim step to

allow staff to undertake the required study to determine if designation is appropriate, these properties were initially recommended for listing on the City's Heritage Register.

On July 30, 2020, the owner applied for a demolition permit for 50 The Driveway, before the property could be considered for listing. The City's Official Plan Policy directed that immediate consideration for designation be given to heritage resources under threat. Accordingly, the City initiated the designation process in response to the demolition application. Staff reviewed and evaluated the property and determined that it has significant cultural heritage value for its architectural quality and innovative design by local architect James Strutt, association with the Canadian Nurses Association and its location in Centretown. A draft Statement of Cultural Value and List of Attributes was developed at the time to reflect these values (since updated, see Document 3).

A special meeting of the BHSC was called for August 24, 2020, so that the sub-committee could consider staff's recommendation to issue a Notice of Intention to Designate. This meeting was subsequently cancelled as the City and the owner, through their agent, agreed to put both the designation process and the demolition permit process on hold in order to have further discussions about the future of the property.

In July 2021, the applicant submitted applications to amend the Official Plan and Zoning By-law (OPA and ZBA) to permit a nine-storey apartment building on the site. Since putting both the designation and demolition processes on hold, staff have been working to conserve the cultural heritage values of the CNA building through the development approval process, using the draft Statement of Cultural Heritage Value together with a similar version provided by the applicant's heritage consultant to inform the discussions on the proposed development. The OPA and ZBA applications are to be considered by Planning Committee and Council together with this report.

## **DISCUSSION**

### **Development Proposal**

Throughout the review process, the applicant considered a number of proposals for the site ranging in scale and with varying degrees of retention of the existing CNA building, including complete demolition. The current proposal seeks to amend the Official Plan and Zoning By-law to permit the development of a new nine-storey mid-rise residential

building with 88 dwelling units, ranging in size and type. Two floors of underground vehicular parking are proposed with bicycle parking on both levels.

Through discussions with staff, the applicant has agreed to retain and incorporate the most significant elements of the existing CNA building into the new development (see Site Plan and Renderings, Document 4). The retained portion of the building is to be carefully deconstructed, moved to the southeast corner of the property, and reconstructed for integration as the podium of the new building. The deconstruction and reconstruction will be undertaken according to the submitted Conservation Plan (Document 5). Additionally, the concrete and glass lantern is proposed to be reconstructed and introduced as a roof top element in the northeast corner of the new building.

The new development will be stepped back on the east façade above the retained portion of the CNA building as well as above the 7th floor. Above the CNA building, the step back will range along the east façade, but will be approximately 8 metres at its widest point. On the west, the building incorporates a large landscape buffer at ground level. This façade will also be stepped back above the 2nd, 6th and 7th floors, respecting the 45 degree angular plane requirements, with the exception of a small area of the 8th and 9th floors. A mix of cladding materials are being considered to ensure compatibility with the retained portion of the CNA building and the property's existing context.

The Official Plan Amendment application is to add site specific policies to permit a mid-rise apartment within the Residential Character Area of the Centretown Secondary Plan, as well as redesignate the property from "Low-rise 12.5 to 14m" to "Mid-rise- 9 Storeys". The Zoning application seeks to rezone the property from a Residential Fourth Density Zone (R4UC) to a Residential Fifth Density Zone (R5), with site-specific provisions.

### **Policy Context**

The Official Plan, the Provincial Policy Statement and the *Ontario Heritage Act* all provide policy direction related to the conservation and protection of individual properties under the *Ontario Heritage Act*.

Official Plan

In November 2021, City Council approved a new Official Plan. The Plan has been sent for Ministerial approval by the province. Once approved by the province, it will replace the previous Official Plan. Until then, staff have regard to both Plans, applying the most stringent policy.

Both the previous and Council-approved Official Plan have policies related to heritage. Section 2.5.8 (21) of the City's previous Official Plan (2003) stated that:

“...the City will support its objective to conserve cultural heritage resources and to promote the stewardship of those resources by: [...] c) entering into heritage easement agreements with owners of designated properties or properties eligible for heritage designation.”

Section 4.5 policy (5) in the new Plan allows for listing properties on the Heritage Register and policy (8) notes that “the owners of built heritage resources will be encouraged to enter into a heritage easement agreement where the City considers additional protection beyond designation desirable due to the location, proposed alteration, and/or the nature of the property.”

#### Provincial Policy Statement

Section 2.6.1 of the Provincial Policy Statement contains the following policy regarding the protection of cultural heritage resources: “Significant built heritage resources and significant cultural heritage landscapes shall be conserved”.

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

#### *Ontario Heritage Act*

Section 27 of the *Ontario Heritage Act* provides municipalities with the authority to list non-designated properties of cultural heritage value or interest on a municipal heritage register. Section 27(4)-(8) of the *Ontario Heritage Act* sets out the process for listing properties.

Section 37 (1) of the *Act* provides the municipality the ability to enter into easements or covenants with owners for the conservation of properties of cultural heritage value or interest. An easement must be registered on title.



## **Recommendation 1**

The City typically utilizes designation under Part IV of the *Ontario Heritage Act* as the primary mechanism to protect individual properties that have been evaluated and identified as having significant cultural heritage value. As outlined in the Ontario Heritage Tool Kit (the corresponding guidance document to *the Act*) designation provides the ability to recognize the importance of a property to a community; to protect a property's cultural heritage value; to encourage good stewardship and conservation; and to promote knowledge and understanding about the property. An easement agreement provides the same abilities as designation but achieves those goals in the form of a contract between the City and the owner. The agreements are typically tied to specific elements and include terms established and agreed to, by both parties; in this way it can serve as a promise by both the City and the owner to be good conservation stewards. Additionally, an easement offers an opportunity to celebrate and honour stories or historic themes that may go beyond what is expressed in the building itself, for example through the development and implementation of an interpretation plan.

As described in the submitted Cultural Heritage Impact Statement (CHIS) (see Document 5), the property presents a significant challenge for adaptive re-use given its purpose-built design for a specific client (the Canadian Nurses Association), its split-level interior layout, the scale of its rooftop attributes (the lantern) and its location in the centre of the property. Recognizing these challenges, heritage staff have worked through the development review process to conserve the cultural heritage values and attributes identified when the designation process was initiated in 2020. The CHIS also highlighted the potential for other values or themes that could be recognized at the site, such as themes about early settlement in the area, construction of the Canal, later urban development, as well as the history of nurses and women specifically, at the site. In this case, staff are of the opinion that entering into a Heritage Easement Agreement is an appropriate approach, given the nature of the property, the proposed strategy to conserve the important attributes of the building, and the opportunity it offers to recognize untold histories on site.

In order to ensure the conservation and protection of the cultural heritage values of 50 The Driveway, heritage planning staff are recommending that the applicant be required to enter into a Heritage Easement Agreement by applying a holding provision to the

property through the associated re-zoning report that would be conditional upon the owner entering into such an agreement.

Staff have initiated discussions with the applicant on the key terms to be included in the easement agreement, which would be finalized concurrently with the required Site Plan Control approval. The agreement would reflect the final elevations for the proposal facilitated by the OPA/ZBA, outlining the portions of the building to be deconstructed, moved and reconstructed, as well as the details about how this work will be undertaken to ensure appropriate conservation measures are implemented throughout the process. The intention would also be to carry forward a similar version of the draft Statement of Cultural Heritage Value as a schedule to be included in the agreement, to ensure on-going protection following construction. The final terms and content of the agreement will need to be considered by the Built Heritage Sub-committee and approved by Council prior to passing a corresponding by-law for registration on property title.

## **Recommendation 2**

The *Ontario Heritage Act* enables municipalities to keep a register of properties that Council believes to have cultural heritage value or interest. The City of Ottawa's Heritage Register contains both designated properties (those that have been identified and are protected by by-law), as well as non-designated listings. For non-designated properties, it is a tool the City uses to both monitor demolitions as well as recognize properties of cultural heritage value that may or may not warrant traditional designation under *the Act*. Staff are of the opinion that together with the Heritage Easement Agreement, listing on the Heritage Register will allow for the formal recognition of the site's cultural heritage values. Accordingly, staff are recommending the addition of 50 The Driveway to the Heritage Register.

Listing under Section 27(1.2) of the *Ontario Heritage Act* means that a property owner is required to provide the City with 60 days notice in advance of demolition. However, this notice requirement does not apply when a demolition permit application has been submitted prior to the listing of the property on the Register.

The applicant has indicated their intention to formally withdraw the previously submitted demolition application and not object to the listing, should the *Planning Act* applications for the proposed development be approved by Council. Consequently, should Council approve the addition of the property to the Register, staff have recommended that the

decision not come into effect until the demolition application has been withdrawn and prior to listing so that the 60 day notice period will apply.

If approved, recent changes to Section 27 (5) of *the Act* now require that the owner be provided notice of Council's decision, including a statement explaining why Council believes the property to be of cultural heritage value or interest. Given that staff and the applicant have been using the previously drafted Statement of Cultural Heritage Value to inform the project in this case, the draft statement, with the necessary modifications to reflect the final construction, will be used to satisfy the notice requirement under Section 27. Future statements related to listings under Section 27 are expected to be less detailed and may not take this form.

### **Conclusion**

Heritage Planning Staff have reviewed the proposed development for the property at 50 The Driveway and overall, support the proposed strategy for incorporating the CNA building into the new development. Heritage Planning staff are of the opinion that by entering into the easement agreement, its cultural heritage value and attributes will be protected and conserved. Staff are recommending listing the property on the Heritage Register in order to formally recognize the identified cultural heritage values of the site.

### **CONSULTATION**

The applicant undertook a public meeting hosted by the Ward Councillor to present an earlier version of the project and obtain feedback from the community.

Heritage Planning staff facilitated a meeting between the applicant and representatives from Heritage Ottawa and the Strutt Foundation to discuss heritage-related concerns with an early version of the project which included the removal and reconstruction of the lantern as a landscape element next to the retained portion of the building. Both Heritage Ottawa and the Strutt Foundation raised concerns, particularly with the treatment of the lantern, given its significance to the design of the CNA building and the original design intent of the architect.

Heritage Ottawa, The Strutt Foundation, and the Centretown Community Association provided comments on a previous version of the proposal through the development review process. These groups were also notified of this report.

If authorization as outlined in this report is provided by Council, the final Heritage Easement Agreement and its terms will be considered by the Built Heritage Subcommittee and Council.

### **COMMENTS BY THE WARD COUNCILLOR**

Councillor McKenney provided the following comments:

"I appreciate the approach heritage staff have taken to protect this historic building from demolition, originally proposed in summer 2020, and the strategies implemented to preserve heritage components of 50 the Driveway. I look forward to the installation of the lantern atop the new building and support the efforts by city staff to entrench this condition into the heritage and rezoning conditions for this property."

### **LEGAL IMPLICATIONS**

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

### **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 report addresses the following Term of Council Priorities:

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

### **SUPPORTING DOCUMENTATION**

Document 1 Location Map

Document 2 Photos of 50 The Driveway

Document 3 Draft (Updated) Statement of Cultural Heritage Value

Document 4 Site Plan and Renderings as submitted for the OPA/ZBA (Illustration Only)

Document 5 Cultural Heritage Impact Statement and Conservation Plans for OPA/ZBA

## **DISPOSITION**

Heritage Planning staff administer the Heritage Register according to the Heritage Register procedures approved by Council and according to Section 27 of the *Ontario Heritage Act*.

After Council decides to add a non-designated property to the Heritage Register, Heritage Planning staff shall provide the owner of the property with notice that the property is listed on the Heritage Register.

The notice will be sent within 30 days of Council's decision and must include the following information:

1. a statement explaining why the council of the municipality believes the property to be of cultural heritage value or interest.
2. a description of the property that is sufficient to readily ascertain the property.
3. a statement that if the owner of the property objects to the property being included in the register, the owner may object to the property's inclusion by serving on the clerk of the municipality a notice of objection setting out the reasons for the objection and all the relevant facts.
4. an explanation of the 60-day written notice requirement in advance of the demolition or removal of a building or structure on the property.

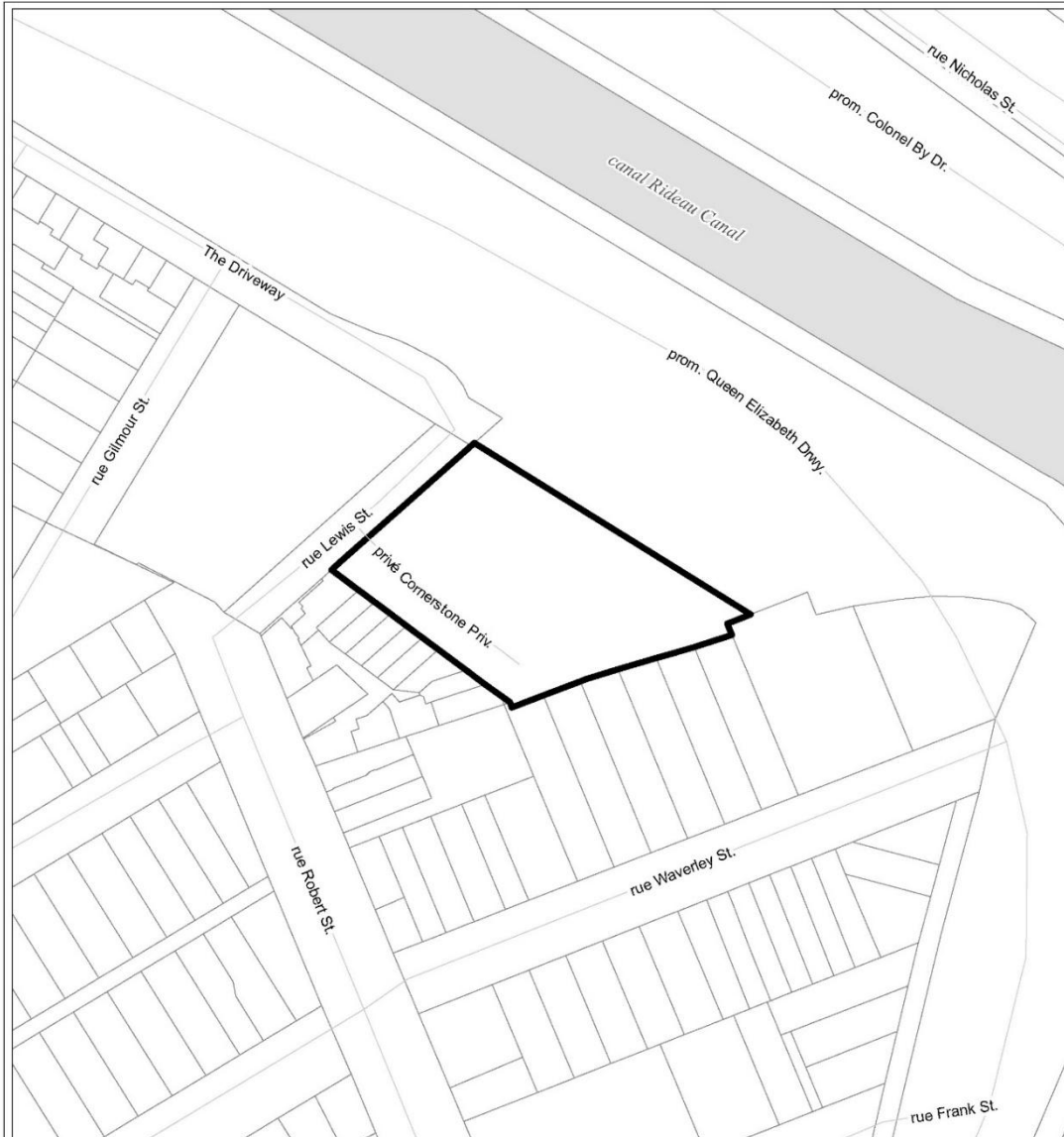
The owner of a property who objects to the property being listed on the Heritage Register shall serve on the Office of the City Clerk a notice of objection setting out the reasons for the objection and all relevant facts.




If the City Clerk receives a Notice of Objection under Section 27(7) of the *Ontario Heritage Act*, Heritage Planning staff prepare a report regarding the objection for Council to consider and to decide whether the property should continue to be included

in the register or whether it should be removed; and provide notice of Council's decision to the owner of the property within 90 days after the decision.

Heritage and Legal Services staff to negotiate and draft an easement for the purposes of conserving the cultural heritage values and attributes for the property at 50 The Driveway.

Document 1 – Location Map and Photos



		LOCATION MAP / PLAN DE LOCALISATION HERITAGE / PATRIMOINE	
D09-01-50THED	22-0068-L	 <b>50 The Driveway</b>	 <small>NOT TO SCALE</small>
I:\CO\2022\Heritage\Driveway_50			
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers          All rights reserved. May not be produced without permission.          THIS IS NOT A PLAN OF SURVEY</small>			
<small>©Les données de parcelles appartiennent à Terranet Entreprises Inc. et          à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans          autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2022 / 01 / 27			

Document 2- Photos, 50 The Driveway



Aerial photo showing the property at 50 The Driveway outlined in red.



View of the east elevation from The Driveway.





View of the east façade, from the south.



View of the west elevation from Lewis Street.



View of the north elevation from Lewis Street.



View of the lantern from the Queen Elizabeth Driveway

## **Document 3 — Updated Draft Statement of Cultural Heritage Value**

### **Description of Property**

Canadian Nurses' Association (CNA) House, 50 The Driveway, is a three storey, red brick and concrete building constructed in 1965-1966, located at the intersection of The Driveway and Lewis Street.

### **Statement of Cultural Heritage Value or Interest**

CNA House has cultural heritage value for its historical association with the Canadian Nurses' Association and renowned Ottawa architect James Strutt, design value as an excellent example of a Modern office building influenced by the Brutalist style, and contextual value for its location in Centretown, a neighbourhood where many national headquarters, embassies and consulates are located, reinforcing Ottawa's role as the nation's capital.

CNA House has design value as an excellent example of a Modern style office building influenced by Brutalist style. The Modern style was used extensively in Canada in the post war period and represented a complete break from the more decorative architectural styles that came before it. CNA House embodies Modernism through its rectilinear composition and restrained façades. The building is significantly influenced by the Brutalist style, which first appeared in the 1960s, often in large scale civic complexes, and is characterized by weighty, monolithic, masonry forms. The Brutalist elements of CNA House include its irregular plan and imposing design, use of brick and concrete, the sculptural shape of the lantern, and expanses of masonry walls with long narrow window openings.

CNA House has historical value for its association with the Canadian Nurses Association and with Modernist architect James Strutt. The CNA House was constructed in 1965 as the headquarters of the Canadian Nurses Association, the largest nursing body in Canada. The CNA, originally known as the Canadian National Association of Trained Nurses, formed in 1908 with a focus on the securing labour rights for nurses. The building is a symbol of the success and modernization of the Canadian Nurses' Association.

The building is an excellent and rare example of a Modern office building designed by renowned Ottawa architect James Strutt. Strutt, both in partnership with William

Gilleland and on his own, was an influential architect in Ottawa in the mid-20<sup>th</sup> century designing innovative buildings including Bell's Corners United Church, the Kitchissippi Pavilions, private residences and the 1960 Ottawa airport (since demolished).

CNA House has contextual value for its location in Ottawa, which reflects its role as a national headquarters. Centretown given its proximity to Parliament Hill is associated with the clustering of national headquarters, embassies and consulates, reinforcing the role of Ottawa as the nation's capital. It is physically, functionally and historically linked to its surroundings as a headquarters for the CNA for over fifty years.

### **Description of Heritage Attributes**

The following attributes reflect the heritage value of the CNA House as an excellent example of a Modern office building influenced by the Brutalist style:

- Three-storey massing
- Flat roof
- Irregular plan
- Lack of ornamentation
- Masonry walls constructed of brick and concrete
- Evenly spaced brick pilasters punctuated by narrow recessed windows with concrete spandrels on the west and northeast façades
- Southeast façade composed of evenly spaced brick pilasters punctuated by strips of rectangular window openings and concrete spandrel panels and capped by floating concrete cubes
- Entrance on both the east façade, covered by a floating cube and accessed by a solid concrete staircase, trapezoidal in shape
- The concrete and glass lantern, known as the Tower of Light, that has become a symbol of the Canadian Nurses' Association

The contextual value of the CNA House is embodied in its location in Centretown at the intersection of The Driveway and Lewis Street.

Document 4- Site Plan and Renderings (For Illustration Purposes Only)

