

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: April 26, 2016

CASE NO(S): PL150320

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Trinity Development Group Inc.
Subject: Request to amend the Official Plan - Failure of the City of Ottawa to adopt the requested amendment

Existing Designation: Traditional Mainstreet
Proposed Designated: Site Specific Traditional Mainstreet
Purpose: To permit the development of two (2) mixed use towers 32 and 27 storeys in height

Property Address/Description: 151 & 153 Chapel Street
Municipality: City of Ottawa
Approval Authority File No.: D01-01-14-0020
OMB Case No.: PL150320
OMB File No.: PL150320
OMB Case Name: Trinity Development Group Inc. v. Ottawa (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: Trinity Development Group Inc.
Subject: Application to amend Zoning By-law No. 2008-250 - Refusal or neglect of the City of Ottawa to make a decision

Existing Zoning: Traditional Mainstreet Subzone 6, Floor Space Index Max. 3.5, Max Height 19 (TM6 F(3.5) H(19))
Proposed Zoning: Site specific (To be determined)
Purpose: To permit the development of two (2) mixed use towers 32 and 27 storeys in height

Property Address/Description: 151 & 153 Chapel Street
Municipality: City of Ottawa
Municipality File No.: D02-02-14-107
OMB Case No.: PL150320
OMB File No.: PL150321

PROCEEDING COMMENCED UNDER subsection 41(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Referred by:	Trinity Development Group Inc.
Subject:	Site Plan
Property Address/Description:	151 & 153 Chapel Street
Municipality:	City of Ottawa
OMB Case No.:	PL150320
OMB File No.:	PL150566

Heard: March 29, 2016 in Ottawa, Ontario

APPEARANCES:

Parties

Counsel/Representative*

Trinity Development Group Inc.	P. Foran
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City of Ottawa	T. Marc
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Participant

Lowertown Community Association	P. Ferguson*
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MEMORANDUM OF ORAL DECISION DELIVERED BY R. G. M. MAKUCH ON MARCH 29, 2016 AND ORDER OF THE BOARD

[1] Trinity Development Group Inc. (“Appellant”) made applications for Official Plan (“OP”) and Zoning By-law Amendments (“ZBLA”) respecting its properties at 151 and 153 Chapel Street in the City of Ottawa (“City”) to permit the development of two mixed-use towers having 32 and 27 storeys in height. The development proposes significant at grade and above grade commercial retail uses. The Official Plan Amendment (“OPA”) is to change the designation to a site-specific “Traditional Mainstreet” designation. The ZBLA would implement the OP policies. A site plan appeal pursuant to s. 41(12) of the *Planning Act* (“Act”) has also been consolidated with these appeals.

[2] These appeals are made on the grounds that City Council has not dealt with these applications within the prescribed time limits under the Act.

[3] Sandy Hill Action Committee (ASH), Talos Custom Homes Ltd. and the Lower Town Community Association (“LCA”) have withdrawn as parties prior to the hearing. LCA however, has retained participant status.

[4] The Board was advised prior to the hearing, that the City and Appellant had resolved their differences and proceeded on consent.

[5] The only professional evidence before the Board is the un-contradicted testimony of Miguel Tremblay, the land use planning consultant for the Appellant. The Board also heard the testimony of Peter Ferguson on behalf of LCA.

[6] The Board is satisfied based on that evidence that the appeals should be allowed for the reasons that follow.

[7] The subject site is bounded by Rideau Street to the south, Chapel Street to the west, and Beausoleil Drive to the north. Across Chapel Street to the west is a high-rise apartment building with ground level retail and a garage connection to Chapel Street. Adjacent to the east are a motel and low density residential buildings. Across Rideau Street to the south are two to three level retail-related building; and across Beausoleil Drive to the north are two elementary schools and apartment buildings.

[8] Rideau Street is designated as an arterial road, a truck route and a transit priority street. The Rideau Centre LRT Station is located approximately 950 metres (“m”) to the west of the site. Beausoleil Drive is a designated collector and is two lanes wide. Chapel Street is a two-lane local street north of Rideau Street with a *cul-de-sac* at its north end adjacent to Beausoleil Drive. It also extends south across Rideau Street through Sandy Hill to Mann Avenue as a collector.

[9] The proposal has been amended and will now consist of two 25-storey towers having a total of 586 residential units (gross floor area (“GFA”) 37,559 square metres (“m²”), 6,825 m² of non-residential GFA. The north tower at Rideau Street would be on a nine-storey podium with step back at the third and sixth storeys. The south tower at Beausoleil Drive would be on an eight-storey podium with step back at the third and sixth storeys. The two towers would have a 26.8 m separation. There would be 507 parking spaces for vehicles and 321 bicycle parking spaces. The zoning by-law proposed would permit up to five storeys for part of the podium between the two towers. Only two storeys are being sought for approval at this time. The Appellant would have to apply for a revised site plan approval if it were to proceed with the five-storey podium.

[10] Mr. Tremblay provide the Board with a detailed overview of the relevant planning policies in relation to this proposed development and the Board is satisfied based on that evidence that the proposed OP and ZBLA are consistent with the Provincial Policy statement, 2014, and, are in conformity with the relevant policies set out in the City’s OP particularly with respect to Sections 2, 3 and 4 in terms of strategic growth, transit supportive land uses and intensification.

[11] Furthermore, the proposed OPA has regard for OPAs 150 and 166, which have been adopted by City Council but are currently under appeal.

[12] The provisions of the proposed ZBLA adequately address site and project considerations respecting the appropriate land uses, building height and form, setbacks, private and public open space, access, parking, loading and landscaping. The Board is also satisfied that the proposed site plan complies with the proposed ZBLA in respect of the matters referred to above.

[13] The proposal to open the *cu-de-sac* at Beausoleil Drive and Chapel Street is reasonable and acceptable based on the recommendations set out in the transportation impact study provided by the Appellant, which refer to additional roadway modifications.

[14] The location of the access to loading docks for large transport trucks on Beausoleil Drive will not cause any significant safety impacts on the adjacent uses including the school. The loading movements will be occurring internal to the site and will not result in three-point turns on a public street.

[15] The height and massing of the two towers will not create any unacceptable shadow and wind impacts and the Appellant has minimized these to the extent possible through the siting and footprint of the tower portion of the proposal.

[16] The proposal meets the Built Form Principles in the Secondary Plan and in the Community Design Plan, which among other things requires the location of appropriate uses at the ground floor to achieve an active building frontage and a design that encourages small scale retail and narrow storefronts, in order to ensure a store front design on Rideau Street that is compatible with a traditional main street.

[17] The revised proposal conforms to the strategic directions of the revised Community Design Plan (“CDP”) and Secondary Plan with two 25-storey residential towers connected by a two-storey retail podium, a 406 m² public park space at the corner of Chapel Street and Beausoleil Drive and a 200 m² outdoor privately owned public space (POPS) at the corner of Rideau and Chapel Streets.

[18] The podium was stepped back from the easterly property line to provide a separation of at least 7.0 m between the proposed building wall and the property line shared with the detached dwellings abutting Augusta Avenue to the east.

[19] It is noted that there was significant public consultation process followed prior to the settlement between the City and the Appellant, which paralleled the process in the preparation of the CDP and the Uptown Rideau Secondary Plan adopted by City Council on December 9, 2015.

[20] The Board is satisfied based on the above that the proposal represents appropriate land use planning.

ORDER

[21] The Board orders that the appeals are allowed and the Official Plan and Zoning By-law No. 2008-2015 will be amended in accordance with Attachments 1 (Exhibit 1, Tab 48) and 2 (Exhibit 1, Tab 49) respectively. The site plan is also approved in accordance with Attachment 3 (Exhibit 3) hereto subject to the conditions set out in Attachment 4 (Exhibit 1, Tab 50) hereto.

[22] The Board will remain seized with this matter and may be spoken to if difficulties arise with the implementation of these planning documents.

“R. G. M. Makuch”

R. G. M. MAKUCH
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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