

# OMB reverses city council decision on Vanier apartment building



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The OMB has approved a proposal to redevelop this property at 67-71 Marquette Ave. in Ottawa. *JEAN LEVAC*

When a brand new city council voted last December against allowing a low-rise apartment to be built in Vanier, councillors were warned their decision could be challenged at the Ontario Municipal Board, and that it would cost taxpayers money in legal fees.

Both those things turned out to be true, and the OMB has rejected council's decision, allowing the building to go ahead. The city paid \$13,000 to fight the OMB appeal.

Only weeks before council rejected the amendment, staff recommended at the city planning committee that the proposal be approved. Councillors were warned that if there was an appeal, an outside planner would have to be retained to represent the city at the OMB, and the money was "not available within existing resources."

The OMB came down on the side of the developer, as is so often the case when council votes against the city's own planning staff. In an eight-page ruling released Oct. 6, the tribunal called the testimony supporting the Lindenlea Apartments Inc. proposal for a 20-unit building to replace two houses at 67 and 71 Marquette Ave. "compelling."

The building had gone through a number of design changes that would provide "a good fit for the community," said the ruling. The 20-unit building was actually smaller than what would be permitted under the zoning bylaw.

Coun. Jan Harder, now the chair of the planning committee, voted in favour of the proposal last December. Fourteen out of 24 councillors, including five rookies, opposed it. Council cited adverse impacts due to parking and an inappropriate amount of intensity as the official reasons for the decision.

It's rare for council to overturn a planning committee decision, said Harder, but she doesn't blame her fellow councillors for voting against it,

even if it means an OMB appeal. Councillors must weigh recommendations and represent the interests of their communities, not to “rubberstamp,” she said.

“When council speaks, council speaks. At the end of the day, the OMB didn’t agree with council’s ruling.”

Last November, city staff had argued that the Lindenlea Apartments project was consistent with the official plan and its height was less than the maximum of 11 metres allowed by current zoning. The building would offer a variety of rental unit sizes, adding to the area’s residential housing stock.

Lindenlea had also agreed to reduce the number of units from 22 to 20, and had reduced setbacks to accommodate a parking area partially above grade. The design had originally called for a side entrance, which was relocated to the front.

But neighbours objected, arguing that the new building would dwarf everything else in the neighbourhood. Rideau-Vanier Coun. Mathieu Fleury, with the support of five rookie councillors, lead the objections against the amendment at the city council meeting.

During a three-day hearing in July, the OMB heard from Lindenlea’s land use consultant Brian Casagrande, architect Christopher Simmonds and two city land use planners, Erin O’Connell and Alain Miguelez, who testified under a summons from the OMB. The city was represented by land use planning consultant Dennis Jacobs.

The city planners testified that they were satisfied that the new building would not cause any undue adverse impacts because the parking area would be partially underground. Simmonds said the neighbourhood context was “fully considered” in his approach to the building.

The OMB agreed. “It was Mr. Simmonds’ un-contradicted evidence that the building will fit nicely in the neighbourhood,” said the ruling.

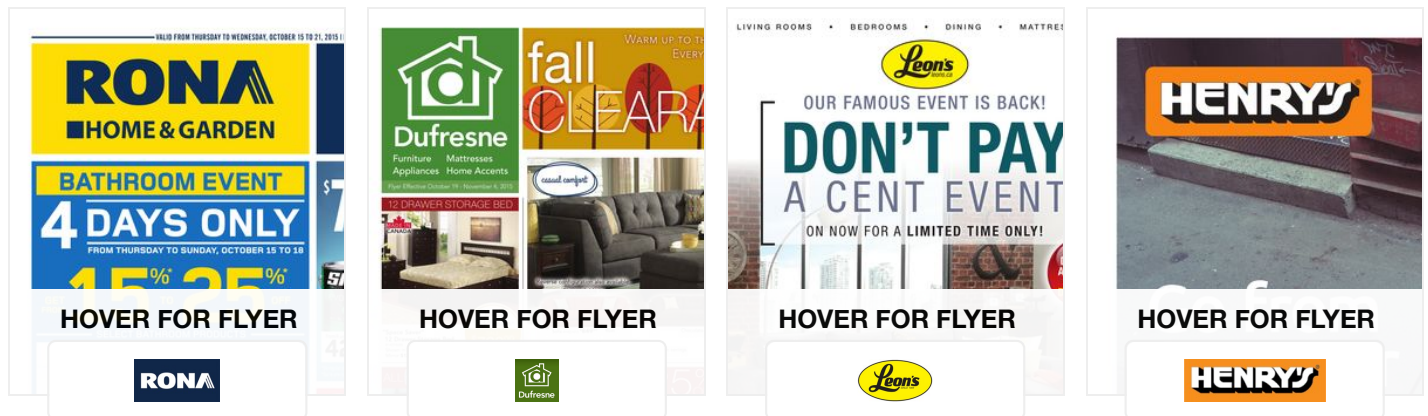
Jacobs testified that the neighbourhood is one of the most densely-populated in Canada, consisting of small lots with small buildings. He said

that the increased density would destabilize the neighbourhood, and argued that such a building should have a maximum of four units, although under cross-examination, he admitted it could support 12 units.

Those 12 units could result in 24 bedrooms, compared to 22 bedrooms in the existing proposal, noted the OMB.

Mark Larose, president of Urban Rise Development Inc., which would develop the project, said he's excited about the outcome of the appeal.

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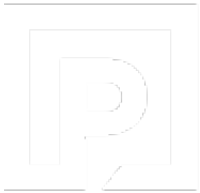


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The problem isn't the size of the building, it's the fact that they are all one-bedroom. Vanier frankly has enough of these units, and needs more three and four bedroom units that can house families.

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