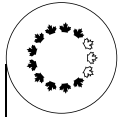


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NATIONAL CAPITAL COMMISSION  
 COMMISSION DE LA CAPITALE NATIONALE

<b>No.</b>	2024-P310
<b>To</b>	Board of Directors
<b>Date</b>	2025-01-23

**For** DECISION

**Subject/Title**

Capital Urban Lands Policy Updates

**Summary**

The purpose of this submission is to seek approval for two amendments to the NCC's Capital Urban Lands and associated policies.

**Item 1: Update the Capital Urban Lands Plan and Ottawa River South Shore Riverfront Park Plan to reflect Ontario Land Tribunal (OLT) case OLT-22-002882**

In May 2023 the NCC resolved its appeal to the OLT of the City of Ottawa's refusal of Official Plan and Zoning By-law amendment applications to facilitate the development of diplomatic missions on NCC property at 1 & 19 Kichi Zibi Mikan. Map 4.1 in the Capital Urban Lands Plan is to be updated to reflect the resolution of the appeal. The Sector D map in the Ottawa River South Shore Riverfront Park Plan is also to be updated to reflect the approved delineation.

**Item 2: Update and extend the NCC Policy on Community Gardens**

The NCC's existing Policy on Community Gardens (see Appendices 3 and 4) expired in 2023. The policy permitted community garden pilot projects on NCC urban lands subject to conditions of location, property management, design and environmental approval. The expired policy permitted the implementation of up to five gardens on the NCC's Urban Lands. There are two active community gardens in Ottawa and none in Gatineau.

If approved, this policy update would remove the need to renew the policy until the NCC undertakes a full review of the Capital Urban Lands Plan. The amendment brings the policy in line with the implementation of existing gardens and gives the NCC more discretion about current and future gardens. Extending the policy until a review of the Capital Urban Lands Plan maintains the temporary nature of the project, while removing the administrative overhead of frequently renewing the policy.

**Risk Summary**

- Item 1: The risk of updating the maps is low. The three involved parties have agreed to the outcome.
- Item 2: The risks of extending the community garden policy are low to moderate. The existing garden pilot projects have been successful.
- Item 2: Maintaining the scale of the project will allow for further evaluation before a full review of the program with the Capital Urban Lands Plan update.

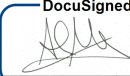
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## Recommendation

It is recommended that:

- The Board of Directors approve the amendments to the Capital Urban Lands Plan and the Ottawa River South Shore Riverfront Park Plan; and
- The Board of Directors approve the amendment and extension of the Policy for Community Gardens until the completion of a full review of the Capital Urban Lands Plan.

### Submitted by:

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Alain Migutierrez  
Vice President Capital Planning and Chief Planner

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## 1. Strategic Priorities

- a. Corporate Plan, 2024-2025 to 2028-2029
  - i. Strategic Directions:
    - Contribute to a thriving, connected, and sustainable National Capital Region that inspires Canadians, through the planning, development, and improvement of the NCC's assets.
  - ii. Corporate Priorities:
    - Demonstrate national leadership in achieving an environmentally sustainable and climate-resilient national capital region.
- b. Capital Urban Lands Plan (2015)
  - Community gardens will be authorized where permitted in accordance to the approved NCC policy on this subject.
- c. Sustainable Development Strategy (2023-2027)
  - Support a healthier and more sustainable food system

## 2. Authority

*National Capital Act*, Sections 10, 11, and 12.

## 3. Context

### Item 1

The NCC submitted Official Plan and Zoning By-law amendments to the City of Ottawa in 2021 to permit up to six diplomatic missions on lands owned by the NCC between the Kichi Zibī Mīkan and Burnside Avenue. City Council refused the applications, and the NCC subsequently appealed that decision to the OLT. In May 2023 the NCC entered into Minutes of Settlement to resolve the appeal. The resolution ensured the City's Official Plan and Zoning By-law facilitated the NCC's planned development of diplomatic missions, while retaining adjacent Capital Urban Greenspace. The resolution retained the NCC's overall planned developable area while also shifting the outline of the boundaries of the developable area. As part of the Minutes of Settlement, the NCC committed to updating its plans within two years to reflect the Minutes. This report enacts this commitment.

### Item 2

The Capital Urban Lands Plan considers community gardens as a municipal-type use. These uses which require fixed infrastructure have been generally discouraged on NCC Urban Lands. However, the plan does permit consideration of these uses if no alternative site can be found on other public, or private, land.

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In 2014, the Board of Directors approved a Policy on Community Gardens which allowed for community garden pilot projects on NCC Urban Lands. In 2016, the NCC received two community garden proposals from Just Food, for sites in Ottawa. The Woodpark Community Garden was approved for a three-year pilot project in 2017 and renewed in 2020. The second site, now known as the Goldenrod Community Garden, was approved in 2020, after an amendment to the policy permitting a second garden in Ontario. The current policy and approvals for both garden sites expired in 2023. Since that expiry, temporary one-year extensions have been granted for both garden sites through director-level approval.

The gardens have been considered a success, as determined by gardeners, volunteers, Just Food staff and NCC staff. Just Food representatives are seeking to make the policy permanent and to have confidence that the sites will remain, to justify investment.

#### 4. Options Analysis / NCC Staff Analysis

##### Item 1

As the decision has been finalized by Ontario's planning authority, staff recommend that the NCC update its planning documents to reflect the OLT decision.

##### Item 2

NCC staff examined the following options:

***OPTION 1 – Expiration of the existing policy and closure of the community gardens:***

This option involves following the letter of the existing policy and no longer permitting community gardens on NCC land. The lands do not have approved plans for other uses, so it is considered premature to restrict the gardens from continuing operation. Consequently, the option to expire the policy and close the gardens is not recommended.

***OPTION 2 – Continue to renew the existing policy on a temporary basis:***

This option involves maintaining the status quo, renewing the policy through a Board of Directors decision every three years. The existing gardens do not fully comply with the current policy, so exceptions will have to be made, or significant changes will need to be made to the gardens. Future renewal of the policy is likely to coincide with the review of the Capital Urban Lands Plan. This may create unnecessary duplicated effort, or conflicting direction between the policy and the updated plan.

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**OPTION 3 (Recommended) – Extension and amendment of the existing policy:** This option involves extending revised terms and conditions of the policy while maintaining the NCC’s ability to relocate gardens or discontinue the use of a site. This option gives flexibility to Federal Approvals staff without requiring extensions that contravene the NCC policy. Extending the policy allows for a full review to be undertaken as part of the Capital Urban Lands Plan update, without requiring a specific timeframe for its review.

The proposed extension and amendment of the policy includes the following key changes:

- Wording changes to enhance clarity;
- Limiting new gardens until completion of a full review of the Capital Urban Lands Plan;
- Explicit restriction of gardens on Valued Natural Habitat or Capital Park designations; and
- Policy to give discretion of compliance to Federal Approvals staff for existing gardens.
- Policy to explicitly safeguard the NCC’s right to terminate and/or relocate a garden at its discretion, should a need arise to do so, provided a 6-month advance notification is provided.

## 5. Financial Details

### Item 1

N/A

### Item 2

The community gardens are required to pay annual land access fees. New gardens must pay application fees. Maintenance expectations of the NCC have been higher due to increased presence in and around the gardens. These costs are considered acceptable by the Capital Stewardship branch, but if the costs were to increase (i.e. more gardens without allocated funding) then it would not be sustainable.

## 6. Opportunities and Expected Results

### Item 1

The update of the NCC planning documents will allow for the construction of diplomatic missions while fulfilling the NCC’s commitment to update its plans.

### Item 2

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With approval of the extension of the policy, the existing community garden approvals can be extended accordingly. This will satisfy the needs of the community and allow for further study to be completed by the NCC as part of a full review of the Capital Urban Lands Plan.

### 7. Alignment with Government and NCC Policies

The updates are consistent with the NCC Corporate Plan, which in turn aligns with government policies and priorities. Approval will bring NCC plans into alignment with existing direction. The process has included consultation with community garden representatives.

### 8. Risks and Mitigation Measures

Risk	Likelihood	Impact	Mitigation Measure
Item 1: Renewed community attention to diplomatic designation.	Moderate	Low	The file has been settled by the Ontario Land Tribunal, no further action is required.
Item 2: Increased demand for community gardens on NCC land.	Moderate	Moderate	Communication with Just Food representatives to provide clear expectations of future engagement opportunities.
Item 2: Concern about the lifespan of existing gardens.	High	Moderate	Communication with Just Food representatives to provide clear direction on the future of the existing gardens.

### 9. Public Engagement and Communications

- April 2024 – Site Visit with Just Food representative

### 10. Next Steps

- Board Approval – January 23, 2024

### 11. List of Appendices

- Appendix 1 – Capital Urban Lands Plan Map Update
- Appendix 2 – Ottawa River South Shore Riverfront Park Plan Map Update

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- Appendix 3 – NCC Policy on Community Gardens (2020)
- Appendix 4 – NCC Policy on Community Gardens, proposed (2025)

## **12. Authors of the Submission**

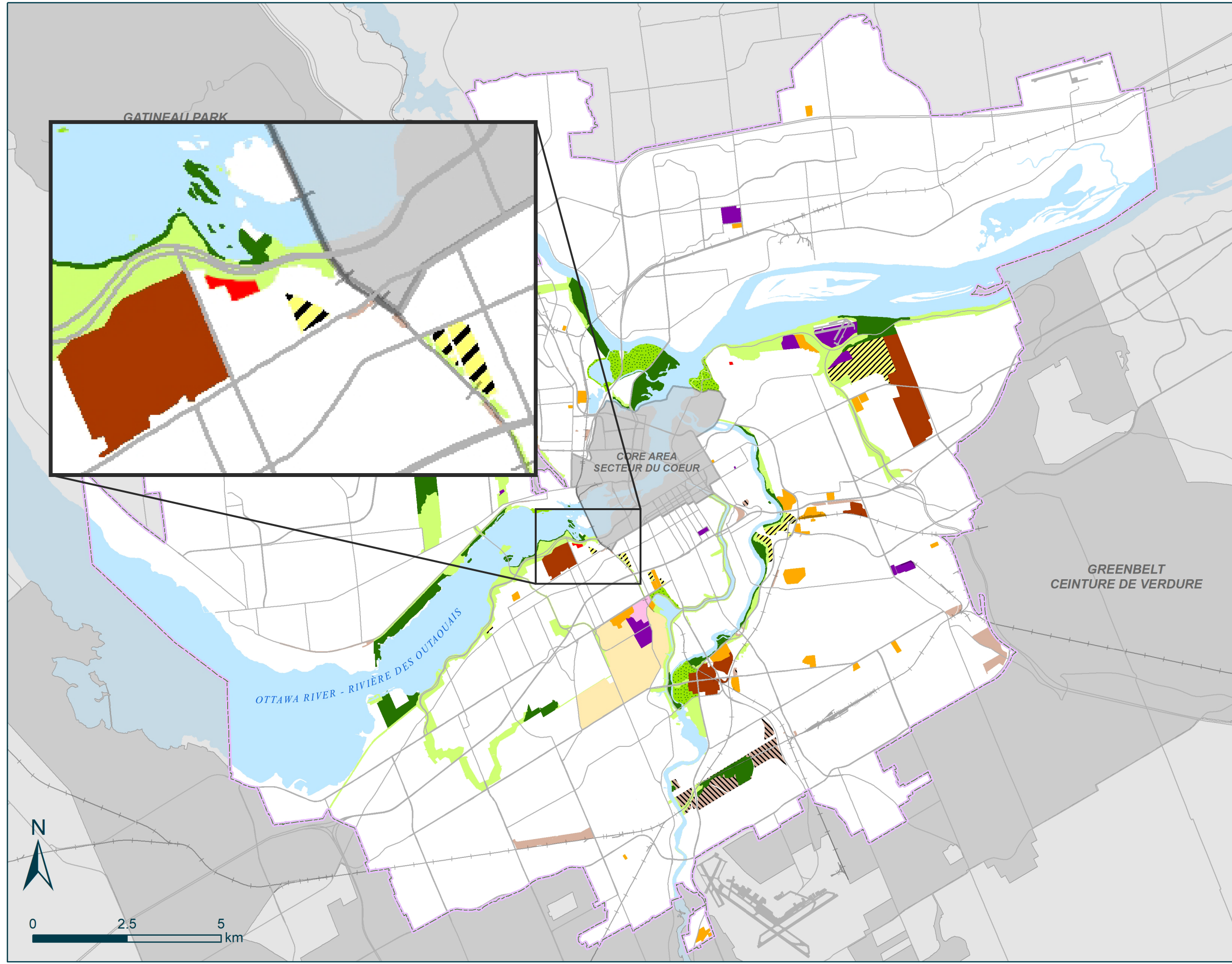
- Alain Miguelez, Vice-President, Capital Planning (CP)
- Martin Barakengera, Director, Planning and Design, PD, CP
- Ted Horton, Acting Chief, PD, CP
- Jack Graham, Planner, PD, CP

**4.1 - Urban Lands: Land Designations**

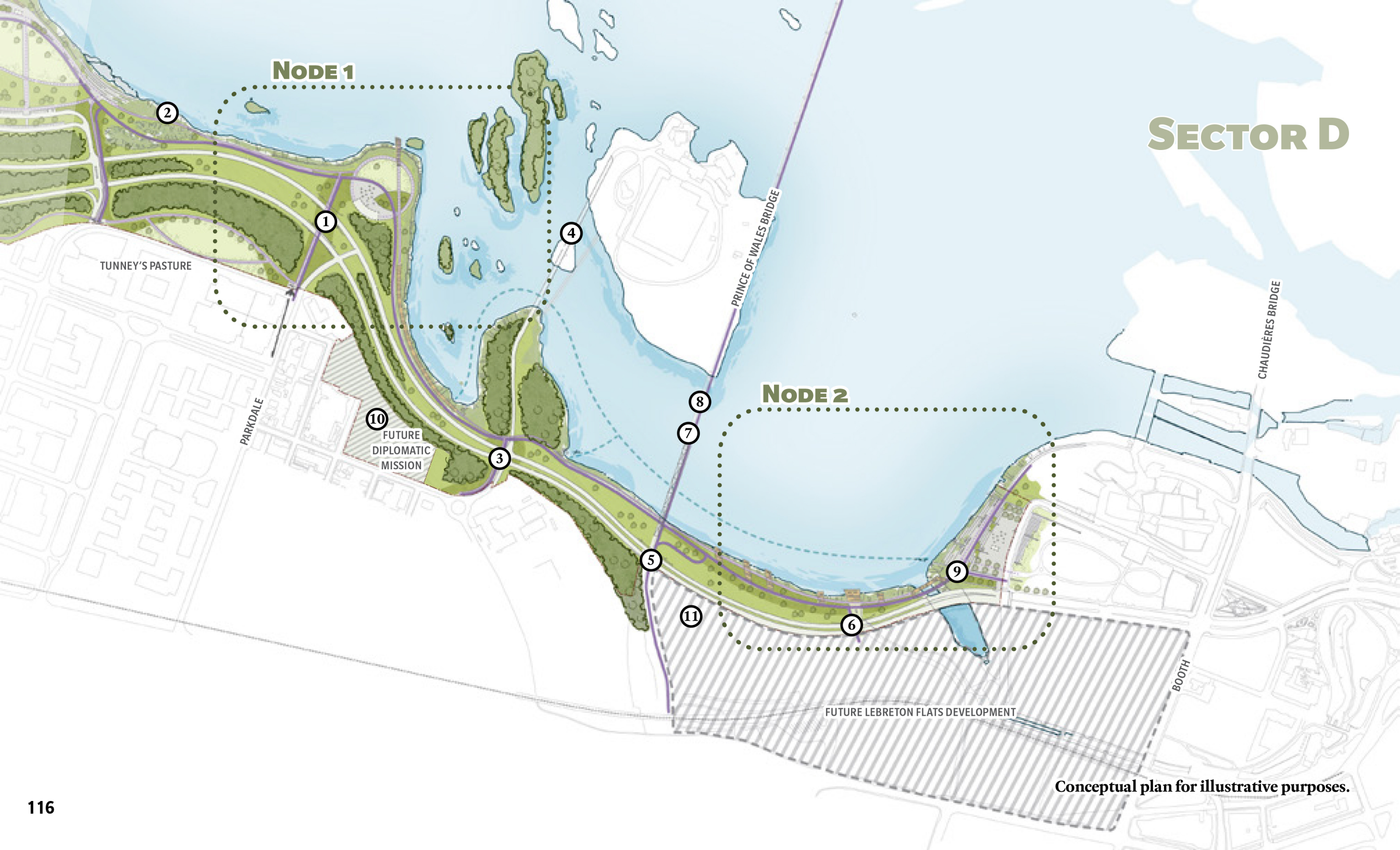
**4.1 - Terrains urbains : Affectations du sol**

**Legend • Légende**

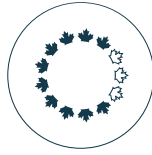
- Federal Government Sites  
 Sites du gouvernement fédéral
-  Political  
Politique
  -  Major Federal Employment Area  
Secteur majeur d'emploi fédéral
  -  Other Federal Facility  
Autre installation fédérale
  -  Non-Federal Facility  
Installation non-fédérale
  -  Cultural Institution & Facility  
Institution et installation culturelle
- Capital Greenspace Network  
 Réseau vert de la capitale
-  Valued Natural Habitat  
Habitat naturel valorisé
  -  Capital Park  
Parc de la capitale
  -  Capital Urban Greenspace  
Espace vert urbain de la capitale
  -  Agricultural & Horticultural Research  
Recherche agricole et horticole
- Non-Capital Realm Lands  
 Terrains hors du domaine de la capitale
-  Non-Capital Realm Lands  
Terrains hors du domaine de la capitale
  -  Urban Redevelopment  
Réaménagement urbain
  -  Non-Designated NCC Property  
Propriété non-affectée de la CCN
  -  Study Area  
Secteur d'étude



# SECTOR D



Conceptual plan for illustrative purposes.



NATIONAL CAPITAL COMMISSION  
COMMISSION DE LA CAPITALE NATIONALE

# NCC Policy on Community Gardens

MAY 2020 UPDATE  
FOR NCC BOARD APPROVAL

# NCC POLICY ON COMMUNITY GARDENS

## May 2020 Update

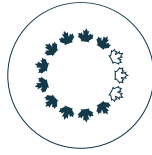
While community gardens are a municipal responsibility as set out in the Capital Urban Lands Plan, the Commission will permit the use of non-shoreline Urban Lands for up to five (5) three (3)-year pilot projects at locations in either Ontario or Quebec, subject to the following criteria:

1. The agreement for any particular community garden will be limited to a term of three years.
2. Any and all costs for implementation of community gardens will be absorbed by the community group.
3. Sector Plans will normally establish the sites where community gardens are permitted. Where Sector Plans do not provide such guidance, the sites must be chosen in consultation with NCC staff based on the remaining criteria in this policy.
4. If accepted by the community, the NCC will either manage under a lease or a site permit with the municipality holding the lease or site permit on behalf of the community organization.
5. Any request for community gardens must be reviewed through the FLUDTA process. Site selection will need to conform to sector plans and site vocations.
  - a. The FLUDTA process will determine permissible space for the garden.
  - b. FLUDTA approval will be subject to a *Impact Assessment Act* review.

The use of NCC lands for this type of activity will not be widespread and certain conditions will apply:

- Community gardens must be in close proximity to urban neighborhoods and areas of population density.
- A community garden site plan must be provided as part of the NCC Federal Lands Design and Transaction Approval process.
- Proponents must demonstrate to the NCC that:
  - There is broad community support for the project.
  - The community garden members, partnering organizations and groups have held a neighborhood consultation process to demonstrate support for the proposed garden.
  - It is demonstrated that there are no municipal properties within one kilometer that might be used for this purpose.
- The community gardens fulfil some social need that is not otherwise addressed in the community.
- The site will need to be in a location that is safe for this use, and which will not visually detract from other corridor features.
- The site must be only used for the growing of produce, flowers and native plants for non-profit use through individual or shared plots.

- Access to the garden must be via municipally-owned property, so that the municipality can provide water supply, electricity, and waste removal.
- Only one building shed is allowed on site (dimension to be determined in FLUDTA process).
- Community gardens cannot be visible from any NCC parkways or Confederation Boulevard as a result of location selection and/or landscape screening.
- The garden location must be fenced.
- No parking is permitted on NCC lands in conjunction with the community garden. If parking is deemed required, the proponent must enter into an agreement with a neighbouring landholder to provide adequate legal spaces off-site.
- The garden must be designed and built to be removable, including raised beds.
- Recreational pathways must not be affected.
- The site must be made barrier free (U/A).
- Preference will be given to projects that demonstrate sustainable construction and operating practices such as methods of water conservation and composting.
- Rain barrels to community gardens can be installed where there is no access to Municipal water.
- Bilingual signage must be posted identifying the area as a community garden as well as a publicly-accessible space.
- Community Garden Pilot projects will be subject to a formal annual evaluation based on a defined set of criteria in order to determine their success.



NATIONAL CAPITAL COMMISSION  
COMMISSION DE LA CAPITALE NATIONALE

## NCC Policy on Community Gardens – 2025 Update

Section 4.4.10 of the Capital Urban Lands Plan describes municipal-type activities on NCC property. The plan considers community gardens to fit within this category but authorizes their use in accordance with this policy. The Commission will permit the use of non-shoreline Urban Lands for up to five community gardens at locations in either Ontario or Quebec, subject to the following criteria:

- a. The agreement for any community garden will be limited to an initial term of three years, with possibility of renewal or extension.
- b. Any and all costs for implementation of community gardens will be absorbed by the community group.
- c. Sector Plans will normally establish the sites where community gardens are permitted. Where Sector Plans do not provide such guidance, the sites must be chosen in consultation with NCC staff based on the below conditions in this policy.
- d. Any request for community gardens must be reviewed through the FLUDTA process. Site selection will need to conform to sector plans and site vocations.
  - i. The FLUDTA process will determine permissible space for the garden.
  - ii. FLUDTA approval will be subject to an *Impact Assessment Act* review.

The use of NCC lands for this type of activity will not be widespread and certain conditions will apply:

1. Community gardens may not be located on lands designated as:
  - i. Valued Natural Habitat
  - ii. Capital Park
2. Community gardens must be in close proximity to urban neighborhoods and areas of population density.
3. A community garden site plan must be provided as part of the NCC FLUDTA application.
4. Proponents must demonstrate to the NCC that:
  - i. The community garden members, partnering organizations and groups have held a neighborhood consultation process to demonstrate support for the proposed garden;

- ii. There are no municipal, other public or private properties within one kilometer that might be used for this purpose; and,
  - iii. The community gardens fulfil some social need that is not otherwise addressed in the community.
5. The site will need to be in a location that:
  - i. Is safe and suitable for this use;
  - ii. Will not visually detract from other corridor or capital features; and,
  - iii. Will not unduly restrict general public use of NCC parks or greenspace.
6. The site must be only used for the growing of produce, flowers and native plants for non-profit use through individual or shared plots.
7. Access to the garden must be via municipally-owned property with adequate public servicing, so that the municipality can provide water supply, electricity, and waste removal.
8. No enclosed buildings are permitted on site, with the exception of small sheds or tool closets (dimension to be determined in FLUDTA process).
9. Community gardens cannot be immediately adjacent to any NCC parkways or visible from Confederation Boulevard.
10. The boundary of the garden must be visibly marked either with fencing or landscaping features.
11. No parking is permitted on NCC lands in conjunction with the community garden. If parking is deemed required, the proponent must enter into an agreement with a neighbouring landholder to provide adequate legal spaces off-site.
12. The garden must be designed and built to be removable, including raised beds.
13. Recreational pathways must not be affected.
14. The site must be made barrier free (Universally Accessible).
15. Projects should incorporate sustainable construction and operating practices such as methods of water conservation and composting.
16. Bilingual signage must be posted identifying the area as a community garden as well as a publicly-accessible space.
17. The NCC reserves the right to review and evaluate the operations of the community garden, including but not limited to compliance with the FLUDTA, the above criteria and other impacts to NCC properties. The review may result in termination of the community garden use or refusal of a renewal or extension.
18. Existing gardens that do not conform to the conditions above may be granted permission to remain, at the discretion of the NCC.
19. The NCC reserves the right to terminate the agreement with, and/or relocate, a community garden at its sole and absolute discretion, with an advance notice of six (6) months.