

SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of March 23, 2022

File Number: ACS2022-OCC-OCC-0006

Report to Council 13 April 2022

Submitted on April 8, 2022 by Caitlin Salter MacDonald, Manager of Council and Committee Services, Office of the City Clerk

Contact Person: Kelly Crozier Planning Committee Coordinator, (613) 580-2424 x 16875, kelly.crozier@ottawa.ca

Ward: City-wide

OBJET : 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 le 23 mars 2022

Dossier : ACS2022-OCC-OCC-0006

Rapport au Conseil le 13 avril 2022

Soumis le 18 février 2022 par Caitlin Salter MacDonald, Gestionnaire des Services au Conseil municipal et aux comités, Bureau du Greffier municipal

Personne ressource : Kelly Crozier, coordonnatrice du comité de l'urbanisme, 613-580-2424, p. 16875, Kelly.crozier@ottawa.ca

Quartier : A l'échelle de la ville

REPORT RECOMMENDATION

That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of March 23, 2022, that are subject to the 'Explanation Requirements' being the *Planning Act*, subsections 17(23.1), 22(6.7), 34(10.10) and 34(18.1), as applicable, as described in this report and attached as Documents 1 to 3.

RECOMMANDATION DU RAPPORT

Que le Conseil approuve les résumés des observations orales et écrites du public sur les questions étudiées à la réunion du 23 mars 2022 du Conseil municipal qui sont assujetties aux exigences d'explication prévues aux paragraphes 17(23.1), 22(6.7), 34(10.10) et 34(18.1) de la *Loi sur l'aménagement du territoire*, selon le cas, et comme les décrit le présent rapport et qui sont joints à titre des documents 1 à 3.

BACKGROUND

This report was prepared pursuant to the process approved by City Council on November 9, 2016, to address Bill 73, the *Smart Growth for Our Communities Act*, 2015, which amended the *Planning Act* such that municipalities are required to explain the effect of public input on planning decisions.

Effective July 1, 2016, provisions of Bill 73, the *Smart Growth for Our Communities Act*, 2015, took effect to amend certain Subsections of the *Planning Act* such that municipalities are required explain the effect of public input on planning decisions. Generally, the legislation requires City Council to ensure that a written Notice of its decision is given in the prescribed manner, and that this Notice contain a “brief explanation of the effect, if any, that the written and oral submissions ... had on [Council’s] decision.” Oral submissions include the public delegations that appear at Committee, and written submissions include any that were provided formally to Council between the date a report is published in the Committee agenda and the date of Council’s decision.

In anticipation of the legislation coming into effect, City Council, at its meeting on June 22, 2016, passed Motion No. 34/7 to adopt an interim practice to ensure the City’s compliance with these requirements, with the intent of adopting a new process as part of the Mid-term Governance Review later that year.

On November 9, 2016, City Council considered the report titled, “2014-2018 Mid-term Governance Review” (ACS2016-CCS-GEN-0024), and approved the following revised process to ensure the City’s compliance with these new Bill 73 requirements:

Staff reports to Planning Committee and Agriculture and Rural Affairs Committee with respect to affected planning matters include the following recommendation:

1. That 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 City Clerk and Solicitor's Office and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]," subject to submissions received between the publication of this report and the time of Council's decision";

2. Following Council's decision with respect to the matter, Clerk's staff, in consultation with the relevant Committee Chair and Legal shall prepare the report titled, "Summary of Oral and Written Public Submissions for Items Subject to Bill 73 'Explanation Requirements' at the City Council Meeting of [Date of Council meeting at which the item is considered]." This report would include information with respect to all items considered at the Council meeting that were subject to the relevant Bill 73 provisions. For each item included in the report, a 'Summary of Written and Oral Submissions' would be attached as a supporting document. Each 'Summary of Written and Oral Submissions' would incorporate the information above and other submissions that were received in advance of Council's decision;

The above-noted report would be placed on the Bulk Consent Agenda for the next City Council meeting. As there is a requirement that Notice of decision be circulated within 15 days after a Council decision, and given that the Notice would typically be circulated before the next Council meeting, the Notice would be circulated indicating that the 'Summary of Written and Oral Submissions' for the matter was subject to Council approval.

DISCUSSION

This report was prepared pursuant to the above-noted process and includes information with respect to all items considered at the City Council meeting of March 23, 2022, that were subject to the relevant *Planning Act* provisions.

At its meeting of March 23, 2022, Council considered three items that are subject to the *Planning Act* 'Explanation Requirements' described above, as follows:

Planning Committee Report 56

1. Zoning By-law Amendment – Part of 6015, 6021 and 6041 Fernbank Road (ACS2022-PIE-PS-0013)

Planning Committee Report 57

2. Official Plan Amendment and Zoning By-law Amendment - 112 Montreal Road and 314 Gardner Street (ACS2022-PIE-PS-0016)
3. Official Plan Amendment and Zoning By-law Amendment – 50 The Driveway (ACS2022-PIE-PS-0019)

FINANCIAL IMPLICATIONS

The financial implications with respect to the planning application described in this report are contained in the original reports considered by Committee and Council.

LEGAL IMPLICATIONS

The legal implications with respect to the planning application described in this report is contained in the original reports considered by Committee and Council.

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillors' comments were contained in the original reports considered by Committee and Council.

ADVISORY COMMITTEE(S) COMMENTS

This section is not applicable to this report.

CONSULTATION

The consultation undertaken with respect to the above-noted planning applications is contained within the original staff report considered by Committee and Council.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the report recommendation.

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendations to approve the summary of public submissions.

TERM OF COUNCIL PRIORITIES

There are no specific impacts on the Term of Council Priorities.

SUPPORTING DOCUMENTATION

Document 1. Summary of Written and Oral Submissions - Zoning By-law Amendment – Part of 6015, 6021 and 6041 Fernbank Road (ACS2022-PIE-PS-0013)

Document 2. Summary of Written and Oral Submissions - Official Plan Amendment and Zoning By-law Amendment - 112 Montreal Road and 314 Gardner Street (ACS2022-PIE-PS-0016)

Document 3. Summary of Written and Oral Submissions - Official Plan Amendment and Zoning By-law Amendment – 50 The Driveway (ACS2022-PIE-PS-0019)

DISPOSITION

The Summary of Written and Oral Submissions is attached as a supporting document to this report. Council on March 23, 2022, considered all submissions received prior to Council consideration in making its decision on these matters. This report will be placed on the City Council Agenda for Council's consideration as part of the Bulk Consent Agenda at its meeting of April 13, 2022.

Summary of Written and Oral Submissions

Zoning By-law Amendment – Part of 6015, 6021 and 6041 Fernbank Road

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Planning Committee

Number of delegations/submissions

Number of delegations at Committee: 0

Number of written submissions received by Planning Committee between January 31 (the date the report was originally published to the City's website with the agenda for the meeting of February 10, 2022, and the February 24, 2022 Planning committee meeting where the item was considered : 2

Summary of written submissions

Written submissions are held on file with the City Clerk and available from the Committee Coordinator upon request:

- Bob van Leeuwen email dated January 31, 2022, with concerns
- Phil Hollingdale email dated February 7, 2022, opposed

Effect of Submissions on Planning Committee Decision: Debate: The report recommendations were carried on consent at its meeting of February 24, 2022.

Vote: The committee considered all submissions in making its decision and carried the report recommendations as presented.

Ottawa City Council

Pursuant to the *Procedure By-law*, members of the public may not make oral submissions to Council.

Number of additional written submissions received by Council between February 23 after 4 pm (deadline for written submissions to Planning Committee) and March 23, 2022 (Council consideration date): 1

Summary of written submissions to Council

Written submissions are held on file with the City Clerk and available from the Committee Coordinator upon request.

- Additional submission from Phil Hollingdale - email dated March 1, 2022, opposed

Effect of Submissions on Council Decision:

Council considered all submissions in making its decision and carried the report recommendations as presented.

Summary of Written and Oral Submissions

Official Plan Amendment and Zoning By-law Amendment - 112 Montreal Road and 314 Gardner Street

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Planning Committee

Number of delegations/submissions

Number of delegations at Committee: 3

Number of written submissions received by Planning Committee between March 14 (the date the report was published to the City's website with the agenda for this meeting) and March 9, 2022 (the deadline for written submissions, being 4 pm the business day before the committee meeting date): 0

Summary of oral submissions

The Applicant provided a slide presentation, a copy of which is on file with the City Clerk. The Applicant provided an overview of the Application and responded to questions from the Committee. They were represented by the following:

- Fotenn: Miguel Tremblay
- Roderick Lahey Architect: Roderick Lahey

The Committee heard the following public delegations on the report, and a summary of their respective comments are as follows:

- Chris Greenshields, Vanier Community Association, addressed the Committee to speak against the staff report noting concerns with height of the building (including shadowing) access entry to the property and nonconformity with the secondary plan.

Effect of Submissions on Planning Committee Decision: Debate: The Committee spent 20 minutes in consideration of the item.

Vote: The committee considered all submissions in making its decision and carried the report recommendations as amended by the following:

THEREFORE BE IT RESOLVED that the height schedule shown in Document 4 be

replaced with the attached revised schedule.

FURTHER BE IT RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.

Ottawa City Council

Pursuant to the *Procedure By-law*, members of the public may not make oral submissions to Council.

Number of additional written submissions received by Council between March 9 after 4 pm (deadline for written submissions to Planning Committee) and March 23, 2022 (Council consideration date): 0

Effect of Submissions on Council Decision:

Council considered all submissions in making its decision and carried the report recommendations amended by the following:

THEREFORE BE IT RESOLVED that Council replace the words “Document 2” at the end of Recommendation 2 with the words “Document 9”; and

THEREFORE BE IT FURTHER RESOLVED that Council strike the following words in Document 2, Part B, Section 2:

“The following changes are hereby made to the current and new Official Plan, Volume 2a / 2A, Secondary Plans / Urban Secondary Plans, Montreal Road District Secondary Plan. The Montreal Road District Secondary Plan is hereby amended as follows for the City of Ottawa:”

and replace them with the words:

“The following changes are hereby made to the Official Plan, Volume 2a, Secondary Plans, Montreal Road District Secondary Plan. The Montreal Road District Secondary Plan is hereby amended as follows for the City of Ottawa:”

;and

THEREFORE BE IT FURTHER RESOLVED that Council strike the following words in Document 2, Part B, Section 2:

“Add a Site-Specific Exception to Section 1.3 / 4.1 West Sector of the current and new Montreal Road District Secondary Plan as follows:”

and replace them with the words:

“Add a Site-Specific Exception to Section 1.3 West Sector of the Montreal Road District Secondary Plan as follows:”

;and

THEREFORE BE IT FURTHER RESOLVED that Council strike the following words in Document 2, Part B, Section 2:

“Notwithstanding policy 2 of Section 1.3 / 4.1 West Sector, on the lands municipally known as 112 Montreal Road and 314 Gardner Street, building heights ranging from eight up to 37 storeys may be permitted provided that the following criteria are met:”

and replace them with the words:

“Notwithstanding policy 2 of Section 1.3 West Sector, on the lands municipally known as 112 Montreal Road and 314 Gardner Street, building heights ranging from eight up to 37 storeys may be permitted provided that the following criteria are met:”

;and

THEREFORE BE IT FURTHER RESOLVED that Council insert and approve an additional document into Report ACS2022-PIE-PS-0016 titled “Document 9” attached as Schedule “A” hereto

Note: Supporting documents referenced in these amendments are held on file with the Office of the City Clerk.

Summary of Written and Oral Submissions

Official Plan Amendment and Zoning By-law Amendment – 50 The Driveway

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Planning Committee

Number of delegations/submissions

Number of delegations at Committee: 3

Number of written submissions received by Planning Committee between February 28 (the date the report was published to the City's website with the agenda for this meeting) and March 9, 2022 (the deadline for written submissions, being 4 pm the business day before the committee meeting date): 2

Summary of written submissions

Written submissions are held on file with the City Clerk and available from the Committee Coordinator upon request:

- Email dated March 9 from Hunter McGill, Heritage Ottawa, with comments
- Email dated March 8 from Marcus Sterzer, Cornerstone Owners' Association, opposed

Summary of oral submissions

The Applicant provided a slide presentation, a copy of which is on file with the City Clerk. The Applicant provided an overview of the Application and responded to questions from the Committee. They were represented by the following:

- Hobin Architecture: Barry Hobin, David Anderson
- Canadian Nurses Association: Donna Dewar
- J. L. Richards & Associates: Tim Chadder, Eric Forhan
- Bray Heritage: Carl Bray

The Committee heard the following public delegations on the report, and a summary of their respective comments are as follows:

- Marcus Sterzer, President, Cornerstone Owners' Association spoke to concerns related to the height and mass of the building, possible structure damage to neighbouring homes due to digging for the parking lot and removal of mature trees to be replaced with smaller trees.
- Adrian Cloete and Michelle Wakefield echoed the previous speakers concerns related to size, height and density this building would create will have major impacts to the neighbourhood, especially Lewis Street given it's narrowness.

Effect of Submissions on Planning Committee Decision: Debate: The Committee spent 56 minutes in consideration of the item.

Vote: The committee considered all submissions in making its decision and carried the report recommendations as presented.

Ottawa City Council

Pursuant to the *Procedure By-law*, members of the public may not make oral submissions to Council.

Number of additional written submissions received by Council between March 9 after 4 pm (deadline for written submissions to Planning Committee) and March 23, 2022 (Council consideration date): 2

Summary of written submissions to Council

Written submissions are held on file with the City Clerk and available from the Committee Coordinator upon request.

- Marcus Sterzer, President, Cornerstone Owners' Association, email received March 10, opposed
- Tim Chadder, J. L. Richards & Associates, email received March 10, in support

Effect of Submissions on Council Decision:

Council considered all submissions in making its decision and carried the report recommendations as presented.