

Subject: Addition of Site Plan Control By-law provisions to enable the High Performance Development Standard

File Number: ACS2022-PIE-EDP-0020

Report to Planning Committee on 23 June 2022

and

Agriculture and Rural Affairs Committee on 30 June 2022

and Council 6 July 2022

Submitted on June 13, 2022 by Don Herweyer, Director, Economic Development and Long Range Planning, Planning, Real Estate and Economic Development Department

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Ward: Citywide

Objet : Ajout de dispositions à la *Réglementation du plan d'implantation* afin de permettre l'application des Normes pour l'aménagement d'immeubles très performants

Dossier : ACS2022-PIE-EDP-0020

Rapport au Comité de l'urbanisme le 23 juin 2022 et

Comité de l'agriculture et des affaires rurales le 30 juin 2022

et au Conseil le 6 juillet 2022

Soumis le 13 juin 2022 par Don Herweyer, Directeur, Développement économique et Planification à long terme, Direction générale de la planification, de l'immobilier et du développement économique

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATIONS

That the Planning Committee and the Agriculture and Rural Affairs Committee recommend Council approve the following:

1. Approve additional provisions within Site Plan Control By-law 2014-256 as amended, in order to:
 - a. Apply the High Performance Development Standard to all Site Plan applications in the urban area and site plan applications that meet the definition of “HPDS Development Threshold” in the rural area;
 - b. Require drawings sufficient to display matters of exterior design and their sustainable design as outlined in the High Performance Development Standard, as adopted by City Council on April 13, 2022;
 - c. Add a definition for ‘HPDS Development Threshold’ (formerly referred to as Complex Site Plan);
 - d. Grant authority to impose conditions in accordance with the High Performance Development Standard as approved by Council.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l’urbanisme et le Comité de l’agriculture et des affaires rurales recommandent au Conseil :

1. d’approuver l’ajout de dispositions à la *Réglementation du plan d’implantation* (n° 2014-256), dans sa version modifiée, afin :
 - a) d’appliquer les Normes pour l’aménagement d’immeubles très performants (NAITP) à toutes les demandes de réglementation du plan d’implantation dans le secteur urbain et à celles qui répondent à la définition de « seuil d’aménagement NAITP » dans le secteur rural;
 - b) d’exiger des dessins qui montrent suffisamment l’extérieur et la conception durable des immeubles, conformément aux NAITP, comme l’a demandé le Conseil municipal le 13 avril 2022;
 - c) de définir « seuil d’aménagement NAITP » (anciennement appelé « plan d’implantation complexe »);

- d) **d'accorder le pouvoir d'imposer des conditions conformément aux NAITP approuvées par le Conseil.**

BACKGROUND

In October 2021, Council approved the new Official Plan [ACS2021-PIE-EDP-0036](#). This included policies to enable the implementation of the High Performance Development Standard (HPDS) which are contained within the Urban Design and Implementation sections of the Plan. The HPDS is authorized under Official Plan Policy 11.1, Subsection 3.

On April 13, 2022, Council approved the HPDS [ACS2022-PIE-EDP-0005](#). The HPDS is a collection of voluntary and required standards that are applied through the existing development approval process using authority under the Planning Act and under the authority of the new Official Plan. The HPDS will apply to all new applications for Site Plan Control in the urban area site plan applications that meet the definition of "HPDS Development Threshold" (formerly referred to as Complex Site Plan) in the rural area.

As part of this report, staff were directed to report back to Joint Planning and Agricultural and Rural Affairs Committee with revised Site Plan Control By-law provisions to enable the HPDS to come into effect upon provincial approval of the new Official Plan. Currently, development projects, including those that request a pre-application consultation or have submitted an application, are encouraged to comply with the HPDS.

The HPDS is a tiered standard that is expected to be updated at regular intervals. Tier 1 contains the mandatory metrics and Tiers 2 – 3 are voluntary. Voluntary metrics set the direction for increasing the mandatory metrics over time thus raising the performance of new building projects to achieve sustainable and resilient design. Collectively, the metrics aim to advance the climate change mitigation and adaptation priorities of the Climate Change Master Plan, Energy Evolution and the Climate Resiliency Strategy as well as the City's objectives related to public health, ecology and accessibility.

On April 14, 2022, the province enacted Bill 109, *More Homes for Everyone Act*, which imposes refund requirements if decisions on site plan applications are not made within 60 days. Development Review Services will be incorporating the HPDS into their development approval procedures to meet the required timelines for site plan approval.

DISCUSSION

Comprehensive Official Plan

The Comprehensive Official Plan is a legal document, adopted under the authority of the Ontario Planning Act. It contains the City's goals, objectives, and policies to guide growth and manage physical change to 2046. The Comprehensive Official Plan was adopted by City Council in October 2021 and submitted to the Ministry of Municipal Affairs and Housing for approval in December 2021. Provincial approval of the Official Plan is expected this year following the June 2 provincial election.

The Official Plan defines "sustainable and resilient design" as: "Principles in site and building design to protect against the depletion of critical resources like energy, water, land, and raw materials, reduce greenhouse gas emissions, prevent environmental degradation throughout its life cycle, and create built environments that are livable and comfortable while being safe and resilient to the impacts of a changing climate".

Similar to other municipalities in Ontario that have adopted green development standards, Ottawa's High Performance Development Standard (HPDS) is a tool to apply "sustainable and resilient design" measures through the development approvals process, including site plan and plan of subdivision applications. Ottawa's authority for Site Plan Control is set out by Site Plan Control By-law 2014-256.

Site Plan Control

Site Plan Control is an important tool, enabled under the Planning Act, that is used by the City to ensure that land development fulfils the policies of the Official Plan and respects City's standards by designing communities to be safe and functional with minimal potential impacts on neighbouring properties.

Under Section 41(4) of the Planning Act, specific authority must be authorized in an Official Plan to require plans to display "matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality."

The authority for the High Performance Development Standard to address sustainable and resilient design through site plan approval is set out in Official Plan Policy 11.1, Subsection 3 as follows:

3) To achieve environmentally sustainable development, the City may adopt a High-Performance Development Standard. Once adopted, the City may use Subsection 41(4)(2)(d) and (e) and Subsection 41(7)(a)(7) of the Planning Act, including residential buildings containing fewer than 25 dwelling units, to secure the following sustainable and resilient design features in development that address exterior building and site matters as may be set out in such Standard, as part of developments which meet thresholds of Policy 2 a), b) and c) above:

a) Weather-protected on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking and to reduce emissions from transportation;

b) High reflective materials, shade trees, and green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;

c) Active and passive design measures to improve energy efficiency and reduce peak demand such as building orientation to take advantage of passive solar heating, shading for cooling and natural light and energy efficient exterior cladding and window treatments;

d) Renewable energy production and supply to provide clean, local energy reducing greenhouse gas emissions and improving resiliency to power outages

e) Low Impact Development and other nature-based approaches to manage stormwater and mitigate flood risks where feasible, and reduce demand for potable water;

f) Trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;

g) Bird-safe glass treatment to minimize the risk for bird collisions and energy efficient, shielded exterior lighting to reduce nighttime glare and light trespass;

h) Dedicated areas for collection and storage of recycling and organic waste to increase waste diversion; and

i) Enhanced human health by increasing opportunities for physical activity, mitigating impacts of air pollution, requiring passive cooling strategies such as operable windows and shade to mitigate against extreme heat and promoting access to food.

Proposed additions to Site Plan Control By-law 2014-256 as amended

In addition to the Official Plan provisions, the Planning Act requires provisions in a Site Plan Control By-law to implement the additional powers to address matters related to exterior design and their sustainable design, as well as sustainable design elements on adjacent rights-of-way.

On April 13, 2022, Council approved the HPDS [ACS2022-PIE-EDP-0005](#) and directed staff to report back to Planning Committee and Agricultural and Rural Affairs Committee with revised Site Plan Control By-law provisions to enable the HPDS to come into effect upon provincial approval of the new Official Plan.

In so doing, staff recommend the following amendments to Section 9 (Approval of Plans and Drawings) of Site Plan Control By-law 2014-256, which are further detailed in Document 1:

- a) Add a new Sub-section 9A be added, which specifies the scope of where the High Performance Development applies in the Urban Area and where it applies in the rural area;
- b) Require drawings sufficient to display:
 - i. Matters of exterior design – character, scale and appearance;
 - ii. Sustainable design elements and features on adjacent rights of way;
 - iii. Sustainable design features with respect to the site and the exterior of the building, where such development is subject to Tier 1 of the High Performance Development Standard as adopted by City Council;
- c) Add a new sub-section 9B, to define ‘HPDS Development Threshold’ (formerly referred to as Complex Site Plan) as follows:

Residential developments containing fourteen or more units, five or more floors and/or having a gross floor area of 1,200 square metres or more; all planned unit developments; mixed-use buildings containing fourteen or more units, five or more floors and/or with a gross floor area of 1,400 square metres or more; non-residential development of five or more floors and/or with a gross floor area of 1,860 square metres or more; and drive-through facilities in the Site Plan Control Inner Area or abutting residential zones.

The definition is included as per Council direction in order to specify which classes of development are subject to the Tier 1 Building Energy Efficiency requirements of the Standard. The definition serves also to define which classes of development to subject to the HPDS in the Rural area.

The broader site plan process is currently under review by Planning. In order to ensure changes stemming from this review do not have unintended consequences in applying the components of the HPDS that were tied to what was defined as a Complex Site Plan, as approved by Council on April 13, 2022, the reference to Complex Site Plan has been retitled HPDS Development Threshold. The definition itself has not changed from what was approved by Council on April 13, 2022.

- d) Add a new sub-section 9C to grant the authority to require revisions to plans, elevations and/or drawings and/or to impose conditions in accordance with the High Performance Development Standard as approved by Council, as such approval may be further amended by Council from time to time.

The implementing changes to the site plan control will take effect and come into force on the date that Section 11.1, Policy 3 of the Official Plan adopted by By-law 2021-386 has been approved by the Province.

Provincial Policy Statement

Municipal land use decisions must be consistent with the 2020 Provincial Policy Statement (PPS) and official plans are the most important vehicle for implementation of the PPS. The updated PPS (2020) provided greater direction on preparing for the impacts of climate change and increasing protection for the environment and human health. Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

The HPDS will not apply to agricultural uses and will only apply to applications which meet the definition of HPDS Development Threshold, within the Rural Transect, as shown in the new Official Plan.

CONSULTATION

The HPDS was identified during consultation by the Energy Evolution External Working Group as a way to advance climate change mitigation objectives through City planning

processes. Further engagement on the HPDS was carried out during the development of the new Official Plan, including a dedicated information session on Climate Change policies in the Official Plan along with an overview of the HPDS. Between July 2020 and November 2021, a series of eight workshops were held with developers, architects and sustainability consultants on the proposed HPDS to review the feasibility and process of the standard. Stakeholder comments were received between November and mid January 2022 and a public information session was held in early December 2021.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendation of this report. No statutory right of appeal exists from the adoption of a site plan control by-law or amendments thereto.

RISK MANAGEMENT IMPLICATIONS

There are risk implications, namely as it relates to timelines for provincial approval of the Comprehensive Official Plan as well as instituting new refund requirements imposed by Bill 109 for site plan applications not approved within 60 days. These risks have been identified and explained in the report and are being managed by the appropriate staff.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

This report has no direct finance implications; it is addressing an administrative requirement to enable the HPDS. Financial implications related to the HPDS have been addressed in report [ACS2022-PIE-EDP-0005](#).

ACCESSIBILITY IMPACTS

Accessibility considerations are a component of sustainable and resilient design. Accessibility requirements within the HPDS were developed in collaboration with the City's Accessibility Office. Staff working on the implementation of the HPDS will continue to work with the Accessibility Office to ensure accessibility is considered in areas including, but not limited to, mobility and parking

CLIMATE CHANGE IMPLICATIONS

In January 2020, Council unanimously approved the Climate Change Master Plan, which is the overarching framework for how Ottawa will mitigate and adapt to climate change over the coming decades. It set short, mid, and long-term targets to reduce community GHG emissions by 100 per cent by 2050 and corporate emissions by 100 per cent by 2040. The Climate Change Master Plan is supported by two key strategies:

- **Energy Evolution: Ottawa's Community Energy Transition Strategy:** Received by Council in October 2020, this strategy is the framework for how Ottawa can achieve its GHG reduction targets.
- **Climate Resiliency Strategy:** Still under development, this strategy will assess how Ottawa is vulnerable to climate change and identify strategies to mitigate the greatest risks.

In 2019, buildings accounted for roughly 46 per cent (4545 kt CO₂e) of total emissions in Ottawa. A total of 20 projects were identified through Energy Evolution to accelerate action and investment, one of which is the HPDS. Overall, the HPDS is projected to enable 224 ktCO₂e of GHG emission reductions by 2030 and improve the resiliency of Ottawa's buildings.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- **Environmental Stewardship,** to grow and protect a healthy, beautiful, and vibrant city that can adapt to change

SUPPORTING DOCUMENTATION

Document 1 Proposed Amendments to By-law 2014-256 (Site Plan Control By-law)

CONCLUSION

The revised Site Plan Control By-law provisions are necessary and appropriate to enable the HPDS to come into effect upon provincial approval of the new Official Plan. The additional provisions are recommended for approval.

DISPOSITION

The Planning, Real Estate, and Economic Development Department, Climate Change and Resiliency Unit is coordinating the implementation of the High Performance

Development Standard with support from the Planning Operations unit of Development Review Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Document 1 – Proposed Amendments to By-law 2014-256 (Site Plan Control By-law)

Site Plan Control (By-law No. 2014-256 as amended by By-laws No. 2015-142, 2016-271, 2016-355, 2017-320, 2019-39 and 2019-336)

WHEREAS authority is given to City Council by Section 41(4)(2)(d) and (e) and Section 41(7)(a)(7) of the Planning Act, R.S.O. 1990, c. P.13, including residential buildings containing fewer than 25 dwelling units, to require and approve drawings under site plan control depicting matters related to exterior design and their sustainable design, and sustainable design elements on any adjoining highway, if an official plan and a by-law, under Section 41(2) of the Planning Act, that both contain provisions relating to such matters, are in effect; and

WHEREAS the Comprehensive Official Plan has been enacted to incorporate provisions related to sustainable and resilient design features in development that address exterior building and site matters, and sustainable design elements on any adjoining highway into the Ottawa Official Plan; and

WHEREAS Council deems it appropriate to incorporate said provisions into a Site Plan Control By-law under Section 41(2) the Planning Act, R.S.O. 1990, c. P.13, applying to all lands subject to site plan control in the urban area and development lands meeting the definition of “HPDS Development Threshold” in the rural area of the City of Ottawa;

The Council of the City of Ottawa hereby enacts as follows:

1. That By-law 2014-256, as amended, is further amended by the addition of the following sections:

Sections 9A to 9C – High Performance Development Standard Provisions

Section 9A

In addition to any other provision in this by-law, in approving a development subject to site plan control under this by-law, no person shall undertake

1. any development which is subject to the provisions of this by-law in the urban area; or
2. any development which is subject to the provisions of this by-law in the rural area which meets the definition of a “HPDS Development Threshold” application;

unless the person has submitted, and the City has approved drawings sufficient to display the following:

1. Exterior Design – Character, Scale and Appearance

a. exterior character, scale and appearance of the development, including without limitation the exterior materials, facades, doors, roofs, windows and elements, such as cornices and belt-courses; and

2. Sustainability

a. improvements to adjacent public boulevards and sidewalks respecting sustainable design elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities; and

b. the following sustainable design features with respect to the site and the exterior of the building, where such development is subject to Tier 1 of the High Performance Development Standard as adopted by City Council:

i. Weather-protected on-site bicycle areas and pedestrian-friendly infrastructure to encourage cycling and walking and to reduce emissions from transportation;

ii. High reflective materials, shade trees, and green and cool roofs to reduce ambient surface temperature to minimize the urban heat island effect;

iii. Active and passive design measures to improve energy efficiency and reduce peak demand such as building orientation to take advantage of passive solar heating, shading for cooling and natural light and energy efficient exterior cladding and window treatments;

iv. Renewable energy production and supply to provide clean, local energy reducing greenhouse gas emissions and improving resiliency to power outages

- v. Low Impact Development and other nature-based approaches to manage stormwater and mitigate flood risks where feasible, and reduce demand for potable water;
- vi. Trees to enhance the urban forest and use of native species to protect, restore and enhance the natural heritage system;
- vii. Bird-safe glass treatment to minimize the risk for bird collisions and energy efficient, shielded exterior lighting to reduce nighttime glare and light trespass;
- viii. Dedicated areas for collection and storage of recycling and organic waste to increase waste diversion; and
- ix. Enhanced human health by increasing opportunities for physical activity, mitigating impacts of air pollution, requiring passive cooling strategies such as operable windows and shade to mitigate against extreme heat and promoting access to food.

Section 9B

In section 9A, “HPDS Development Threshold” application means a site plan application in respect of:

1. Residential developments containing fourteen or more units, five or more floors and/or having a gross floor area of 1,200 square metres or more;
2. all planned unit developments;
3. mixed-use buildings containing fourteen or more units, five or more floors and/or with a gross floor area of 1,400 square metres or more;
4. non-residential development of five or more floors and/or with a gross floor area of 1,860 square metres or more; and/or
5. drive-through facilities in the Site Plan Control Inner Area or abutting residential zones.

Section 9C

The authority to require revisions to plans, elevations and/or drawings and/or to impose conditions in respect of the matters set forth in subsections 9A (2.) (b.) paragraphs (i.) to (ix.) is limited to that approved by Council in its consideration of the High Performance Development Standard, as such approval may be further amended by Council from time to time.

2. This by-law shall come into force on the date that Section 11.1, Policy 3 of the Official Plan adopted by By-law 2021-386 comes into force.