

1. Parkland Dedication By-law Replacement and Cash-in-lieu of Parkland Funds Policy Revision

Remplacement du règlement sur la cession de parcs et révision de la politique relative au paiement en lieu et place des fonds pour les parcs

Committee recommendations, as amended

That Council:

- 1. Repeal By-law 2009-95, as amended, being the Parkland Dedication By-law, and adopt a new Parkland Dedication By-law as detailed in Document 1 as amended;**
- 2. Direct the 'Cash-in-lieu of Parkland Funds Policy' be revised as per Document 2;**
- 3. Direct Recreation, Cultural and Facilities Services, Parks and Facility Planning, to:**
 - a. further review the distribution of cash-in-lieu of parkland funds within the Parkland Dedication By-law and the Cash-in-lieu of Parkland Funds Policy;**
 - b. bring forward recommended revisions to the Parkland Dedication By-law and Cash-in-Lieu of Parkland Funds Policy including an approach to:**
 - i. reflect the transect needs found within the Parks and Recreation Facilities Master Plan; and**
 - ii. address how parkland can be provided for vulnerable communities;**
 - c. bring forward the recommended revisions to the Parkland Dedication By-law and Cash-in-Lieu of Parkland Funds Policy by Q4 of 2023;**

4. Direct staff to review the accumulated impact of these major legislative and policy changes, which are anticipated to have an impact on land prices and market conditions, and report back to committee and council on the accumulated impacts within three years and put forward recommendations to mitigate the impact on affordability if required.

Recommandations du Comité, telles que modifiées

Que le Conseil

1. Abroge le Règlement sur l'affectation de terrains à la création de parcs (no 2009-95), dans sa version modifiée, et d'adopter un nouveau règlement en la matière, comme le précise le document 1 dans sa version modifié;
2. Demande une révision de la Politique sur les frais relatifs aux terrains à vocation de parc conformément au document 2;
3. Demande à la Direction générale des loisirs, de la culture et des installations et aux Services de planification des installations et des parcs :
 - a. d'effectuer un examen plus poussé de la ventilation des frais relatifs aux terrains à vocation de parc dans le Règlement sur l'affectation de terrains à la création de parcs et la Politique sur les frais relatifs aux terrains à vocation de parc;
 - b. de présenter les révisions qu'il est recommandé d'apporter au Règlement sur l'affectation de terrains à la création de parcs et à la Politique sur les frais relatifs aux terrains à vocation de parc pour :
 - i. tenir compte des transects nécessaires prévus dans le Plan directeur des infrastructures des parcs et des loisirs; et

- ii. déterminer la façon dont les terrains à vocation de parc sont établis dans les communautés vulnérables;
 - c. de présenter ces révisions recommandées d'ici le quatrième semestre de 2023.
- 4. Demande au personnel d'examiner les répercussions cumulatives de ces changements législatifs et politiques majeurs, qui devraient avoir une incidence sur le prix des terrains et les conditions du marché, et de faire rapport au Comité et au Conseil sur ces répercussions dans les trois ans et de formuler des recommandations visant à atténuer les répercussions sur l'abordabilité, le cas échéant.**

Documentation/Documentation

1. Report from the Manager, Parks and Facilities Planning, Recreation, Cultural and Facility Services Department, dated June 27, 2022 (ACS2022-RCF-GEN-0014)

Rapport du Gestionnaire, Planification des installations et des parcs, Direction générale des loisirs, de la culture et des installations, daté le 27 juin 2022 (ACS2022-RCF-GEN-0014)
2. Extract of draft Minutes, Planning Committee, July 7, 2022

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 7 juillet 2022

Parkland Dedication By-law Replacement and Cash-in-lieu of Parkland Funds Policy Revision

File No. ACS2022-RCFS-GEN-0014 - City-wide

Deferred from the Planning Committee meeting of June 23, 2022.

The Committee considered this item concurrently with report (ACS2022-RCF-GEN-0003) Parkland First Policy.

Kersten Nitsche, Planner III, Planning Services, Planning, Real Estate and Economic Development Department (PRED), presented an overview of the application and answered questions from the Committee. A copy of the slide presentation is filed with the Office of the City Clerk.

The following were also present and responded to questions:

- Recreation, Cultural and Facilities Services (RCFS): Kevin Wherry, Manager;
- Innovative Client Services Department: Christine Enta, Legal Counsel-Planning, Development and Real Estate;
- Watson Associates, Consultants: Andrew Grunda and Tina Chitsinde

The following speakers addressed the Committee to speak to the Application:

- Carolyn Mackenzie spoke to supporting greenspace and the challenges of adding parkland downtown.
- Lisa Dalla Rosa, Fotenn spoke on behalf of the Greater Ottawa Home Builders' Association (GOHBA) and as a planner, noting a balanced approach is required and requested the Committee not to endorse the report recommendations until all of the issues are addressed.
- Chris Greenshields, Vanier Community Association spoke about the population growth in Vanier and need for greenspace. He feels that more consideration regarding the by-law is required and expressed concern with the limited amount of parkland being considered.

- Robert Brocklebank* spoke in support for the need to adopt a new by-law, however feels the proposed by-law needs further improvement. Noted the Federation of Citizens' Association (FCA) working group questioned how parkland dedication implementation will respond to new developments and suggested considering broadening the subsequent review while retaining the reporting target of Q4 2023.
- Kevin Harper, Minto* spoke to land development costs, the impact of the proposed by-law and parkland considerations
- Neil Malhotra echoed comments from previous speakers, also touched on the effects this by-law will have on affordable units.
- Bria Aird, Fotenn (on behalf of Schlegel Villages) spoke to the importance of parkland for residents in long term care units and requested committee to consider reduced rates for these units.
- Angela Kellar Herzog, CAFES* spoke to a slide presentation which touched on consultation, intersection and targets, the need for small parks and provided some recommendations.
- Jason Burggraaf, Greater Ottawa Home Builders' Association reiterated previous comments made, but emphasized the costs to builders.
- Robert Brinker, Federation of Citizens' Association spoke to the need to lower the caps, as well as how contributions are made to parkland

The following written submissions were received by, and are filed with, the Office of the City Clerk, and distributed to Committee Members:

- Email dated June 21, 2022 from Aaron Bruce, Chair, Arts, Culture, and Recreation Advisory Committee, in support
- Letter dated June 21, 2022 from Andrew Glass, Director, The Properties Group, with concerns
- Letter dated June 22, 2022 from Kevin Harper, Director, Minto Communities Inc, with concerns
- Letter dated June 23, 2022 from Bria Aird, Fotenn, on behalf of Schlegel Villages, opposed
- Email dated July 6, 2022 from Patrick Duffy, Stikeman Elliott, on behalf of Orleans Gardens Shopping Centre Inc., with concerns

- Email dated July 6, 2022 from Liz Bernstein, in support of the Parkland First Policy
- Letters dated January 14, 2022, June 16, 2022, and June 29, 2022 from the Ottawa-Carleton District School Board, with comments
- Emails dated June 22, 2022 and July 6, 2022 from Robert Brocklebank, in support
- Letter dated June 22, 2022 and July 6, 2022 from Jason Burgraaf, Executive Director, Greater Ottawa Home Builders' Association, with concerns

Following discussion on this item, the Committee CARRIED the report recommendations as amended by the following motions:

Report recommendations

- 1. That Planning Committee recommend that Council repeal By-law 2009-95, as amended, being the Parkland Dedication By-law, and adopt a new Parkland Dedication By-law as detailed in Document 1.**
- 2. That Planning Committee recommend that Council direct the 'Cash-in-lieu of Parkland Funds Policy' be revised as per Document 2.**
- 3. That Planning Committee recommend that Council direct Recreation, Cultural and Facilities Services, Parks and Facility Planning, to:**
 - a. further review the distribution of cash-in-lieu of parkland funds within the Parkland Dedication By-law and the Cash-in-lieu of Parkland Funds Policy;**
 - b. bring forward recommended revisions to the Parkland Dedication By-law and Cash-in-Lieu of Parkland Funds Policy including an approach to:**
 - i. reflect the transect needs found within the Parks and Recreation Facilities Master Plan; and**
 - ii. address how parkland can be provided for vulnerable communities;**
 - c. bring forward the recommended revisions to the Parkland Dedication By-law and Cash-in-Lieu of Parkland Funds Policy by Q4 of 2023.**

Carried

**Amendment:
Motion No. PLC 2022-67/1**

Moved by Co-Chair: Councillor S. Moffatt

WHEREAS staff recommendation 1 of Report ACS2022-RCFS-GEN-0014 recommends that Council adopt a new Parkland Dedication By-law as detailed in Document 1 – Details of Recommended New Parkland Dedication By-law;

AND WHEREAS staff would like to provide further clarity on the transition provisions as detailed within Section 14(3) of Document 1 – Details of Recommended New Parkland Dedication By-law;

AND WHEREAS staff have noted that Section 15(2) of Document 1 – Details of Recommended New Parkland Dedication By-law references the incorrect subsections;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-RCFS-GEN-0014, Sections 14(3) within Document 1 be deleted and replaced with the following:

3. An application for Official Plan Amendment, Plan of Subdivision, Part Lot Control, Plan of Condominium, Consent to Sever, or Site Plan Control that has satisfied the requirements for completeness under the *Planning Act* as of the date of the enactment of this By-law, or an application for Building Permit that was submitted as of the date of the enactment of this By-law, shall be required to comply with the provisions of this By-law as of the date that is one year from the enactment of this By-law, unless the application has been appealed to the Ontario Land Tribunal, or its successor, in which case the application shall be required to comply with the provisions of this By-law as of the date that is one year from the decision of the Ontario Land Tribunal or its successor.

AND THEREFORE BE IT RESOLVED that, with respect to report ACS2022-RCFS-GEN-0014, Section 15(2) within Document 1 be revised to delete the reference to Sections 15(2) and 15(3) and replace with reference to Sections 14(2) and 14(3).

Carried

Amendment:

Motion No. PLC 2022-67/2

Moved by Co-Chair: Councillor S. Moffatt

WHEREAS staff recommendation 1 of Report ACS2022-RCFS-GEN-0014 recommends that Council adopt a new Parkland Dedication By-law as detailed in Document 1 – Details of Recommended New Parkland Dedication By-law;

AND WHEREAS Section 1 of Document 1 includes a definition for 'develop';

AND WHEREAS staff have determined that further clarity is required for the definition of 'develop' to ensure consistency with the Planning Act as it pertains to portable classrooms on school sites;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-RCFS-GEN-0014, Section 1 within Document 1 be revised by deleting the definition for 'develop' and replacing it with the following:

“develop” means the construction, erection or placing of one or more buildings on land or the making of an addition or alteration to a building that has the effect of substantially increasing the size or usability thereof or creating dwelling units, or the layout and establishment of a commercial parking lot, but does not include a portable classroom on a school site of a district school board, and “development”, “redevelop” and “redevelopment” have their corresponding meanings

Carried

Amendment:

Motion No. PLC 2022-67/3

Moved by Co-Chair: Councillor S. Moffatt

WHEREAS staff recommendation 1 of Report ACS2022-RCFS-GEN-0014 recommends that Council adopt a new Parkland Dedication By-law as detailed in Document 1 – Details of Recommended New Parkland Dedication By-law;

AND WHEREAS Section 1 of Document 1 includes a definition for 'dwelling unit';

AND WHEREAS the definition of 'dwelling unit' in Section 1 of Document 1 reflects the definition as provided within the Ontario Planning Act, but differs from the definition within the current Parkland Dedication By-law, being By-law 2009-95, as amended;

AND WHEREAS staff have determined that further clarity is required to maintain the intent of the current Parkland Dedication By-law, being By-law 2009-95, as

amended, with respect to the conveyance requirements for residential care facilities;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-RCFS-GEN-0014, Table 1, Section 4 within Document 1 be revised by adding “including ‘residential care facility as defined by the Zoning By-law,’ after ‘Other purposes’ and before ‘excluding residential purposes’.

Carried

Amendment:

Motion No. PLC 2022-67/4

Moved by Co-Chair: Councillor S. Moffatt

WHEREAS staff recommendation 1 of Report ACS2022-RCFS-GEN-0014 recommends that Council adopt a new Parkland Dedication By-law as detailed in Document 1 – Details of Recommended New Parkland Dedication By-law;

AND WHEREAS Section 4 of Document 1 includes Table 1: Conveyance Requirement per Use;

AND WHEREAS staff have determined that Table 1 of Document 1 is missing ‘townhouse dwelling’ after ‘three-unit dwelling’ within the ‘Type of Development or Use’ column;

THEREFORE BE IT RESOLVED that, with respect to report ACS2022-RCFS-GEN-0014, Revise Table 1, Section 4 of Document 1 to add ‘townhouse dwelling’ after ‘three-unit dwelling’ within the ‘Type of Development or Use’ column.

Carried

Amendment:

Motion No. PLC 2022-67/5

Moved by Co-Chair: Councillor G. Gower

WHEREAS as a result of provincial legislative changes, the City is required to replace its existing Parkland Dedication by-law by September 18, 2022 providing an opportunity to revise the 13-year-old by-law and ensure Ottawa can continue using the alternative rate in their Cash-in-lieu of Parkland Funds Policy;

WHEREAS the current by-law does not yield enough parkland to meet the City's target of two hectares of parkland per 1,000 residents within all transects, except the Rural transect; and,

WHEREAS the deficit is highest in the densest transects: Downtown Core, Inner Urban, and Outer Urban; and,

WHEREAS some stakeholders noted concerns that the provision of cash-in-lieu of parkland in areas where development is encouraged is high, and impacts the affordability of housing; and

WHEREAS the city is currently working on a new Zoning By-law for Ottawa to implement the new Official Plan; and

WHEREAS new provincial legislation under Bill 109, the *More Homes for Everyone Act*, will result in a number of changes to the community benefits authority under the *Planning Act* to help growth pay for growth; and

WHEREAS the Development Charge rate by-law will be reviewed in 2023 for replacement in 2024; and,

WHEREAS Council has adopted the High Performance Development Standards report that may have an impact on housing affordability; and,

WHEREAS staff is working on drafting Official Plan policies and Zoning provisions to implement Inclusionary Zoning (IZ) in Ottawa and create a new mechanism to encourage or require affordable housing to be developed in major transit areas;

WHEREAS there is no restriction on Council's ability to amend the Parkland Dedication By-law subsequent to September 18, 2022

THEREFORE BE IT RESOLVED that staff be directed to review the accumulated impact of these major legislative and policy changes, which are anticipated to have an impact on land prices and market conditions, and report back to committee and council on the accumulated impacts within three years and put forward recommendations to mitigate the impact on affordability if required.

Carried