

**Report to
Rapport au:**

**Council
Conseil**

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**Submitted by
Soumis par:**

Council Coordinator / coordonnatrice du Conseil

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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2018-CCS-OCC-0006

SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of March 28, 2018

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 du 28 mars 2018.

REPORT RECOMMENDATION

That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of March 28, 2018 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 28 mars 2018 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 de documents 1 à 3.

EXECUTIVE SUMMARY

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.

At its meeting of March 28, 2018, City Council considered three planning applications for which written and/or oral submissions were received after publication of the staff report:

1. Official Plan Amendment and Zoning By-law Amendment – 315 Chapel Street (ACS2018-PIE-PS-0024)
2. Zoning By-Law Amendment And Official Plan Amendment – 3071 Riverside Drive (ACS2018-PIE-PS-0021)
3. Zoning By-Law Amendment – 851 Industrial Avenue (ACS2018-PIE-PS-0026)

A 'Summary of Written and Oral Submissions' for each application is attached as a supporting document to this report. Council considered all written and oral submissions received prior to Council consideration of this matter in making its decision on this matter.

SOMMAIRE

Le présent rapport a été préparé conformément au processus approuvé par le Conseil municipal le 9 novembre 2016 en vue de répondre aux exigences de la loi 73, *la Loi de 2015 pour une croissance intelligente de nos collectivités*, modifiant la Loi sur l'aménagement du territoire de telle sorte que les municipalités doivent expliquer les répercussions des commentaires du public sur les décisions d'urbanisme.

Lors de sa réunion du 28 mars 2018, le Conseil municipal a examiné trois demandes d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modifications au Plan officiel et au Règlement municipal de zonage – 315, rue Chapel – 979, rue Wellington Ouest (ACS2018-PIE-PS-0024)
2. Modification au Règlement de Zonage et au Plan Officiel – 3071, Promenade Riverside (ACS2018-PIE-PS-0021)
3. Modification au Règlement de Zonage – 851, avenue Industrial (ACS2018-PIE-PS-0028)

Un « Résumé des observations orales et écrites » pour chaque demande est soumis en pièce jointe. Le Conseil a pris connaissance de toutes les observations orales et écrites reçues avant son examen afin d'éclairer son décision.

BACKGROUND

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.

The legislation applies to the following Subsections of the *Planning Act*:

Subsections	Related Matters
17(23)-(23.2), 17(35)-(35.2)	Official Plan
22(6.6)-(6.8)	Official Plan

Subsections	Related Matters
34(10.9)-(10.11), 34(18)-(18.2)	<i>Zoning By-laws</i>
45(8)-(8.2)	Committee of Adjustment
51(37)-(38.2)	Plan of Subdivision
53(17)-(18.2)	Consents

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 particular new Bill 73 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 particular new Bill 73 requirements:

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

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;
3. 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.

This report was prepared pursuant to the process approved by City Council on November 9, 2016, and includes information with respect to all items considered at the Council meeting of November 23, 2016, that were subject to the relevant Bill 73 provisions. A 'Summary of Written and Oral Submissions' is attached as a supporting document for each item.

As noted above, there is a requirement that Notice of Decision be circulated within 15 days after a Council decision. Given that the Notice is typically circulated before the next Council meeting, the Notice is circulated indicating that the 'Summary of Written and Oral Submissions' for the matter is subject to Council approval.

DISCUSSION

City Council, at its meeting of March 28, 2018, considered three items subject to the *Planning Act* 'Explanation Requirements' described above. These items are as follows:

Planning Committee Report 59A:

- Official Plan Amendment and Zoning By-law Amendment - 315 Chapel Street (ACS2018-PIE-PS-0024)
- Zoning By-Law Amendment And Official Plan Amendment - 3071 Riverside Drive (ACS2018-PIE-PS-0021)
- Zoning By-Law Amendment - 851 Industrial Avenue (ACS2018-PIE-PS-0026)

RURAL IMPLICATIONS

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

CONSULTATION

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

COMMENTS BY THE WARD COUNCILLORS

The Ward Councillor's comments were contained in the original report considered by Committee and Council.

ADVISORY COMMITTEE(S) COMMENTS

This section is not applicable to this report.

LEGAL IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

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

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

This report addresses the Governance, Planning and Decision-making Term of Council Priority.

SUPPORTING DOCUMENTATION

Document 1 - Summary of Written and Oral Submissions: Official Plan Amendment and Zoning By-law Amendment – 315 Chapel Street (ACS2018-PIE-PS-0024)

Document 2: Summary of Written and Oral Submissions: Zoning By-Law Amendment And Official Plan Amendment – 3071 Riverside Drive (ACS2018-PIE-PS-0021)

Document 3: Summary of Written and Oral Submissions: Zoning By-Law Amendment – 851 Industrial Avenue (ACS2018-PIE-PS-0026)

DISPOSITION

This report will be placed on the Bulk Consent Agenda portion of the City Council Agenda for Council's consideration and approval at its meeting of April 11, 2018.

Document 1

Summary of Written and Oral Submissions

Official Plan Amendment and Zoning By-Law Amendment – 315 Chapel Street (ACS2018-PIE-PS-0024)

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:

- **Number of delegations at Planning Committee: 8**
- **Number of Submissions received by Planning Committee between February 16 and March 28, 2018 : 14**
- **Primary arguments in support:**
 1. the value of continuation of the space as a community hub and the community services it will provide
 2. preservation of history
 3. accommodations by the applicant in response to concerns previously raised
 4. introduction of needed commercial uses in the area
 5. the proposal will bring life to the existing community and is forward-looking
 6. the development has the ability to attract and retain residents who care about the neighbourhood and will invest time and finances to build a community; it will attract conferences, speakers, politicians, academics, the business community, and the arts, bringing commercial investments and visibility to the historical area
- **Primary concerns and arguments in opposition**
 1. the application does not comply with current Official Plan and Zoning designations and would significantly expand permitted uses
 2. there is ambiguity around the intended use for the church
 3. there is no clear rationale to support the requested zoning and OP amendments and no guarantee there will not be further requests for amendments once the site is about to be redeveloped; the application seems to be based purely on economic viability for the applicant

4. approval of the applications would generate considerable financial return for the applicant but would create significant uncertainty for the community regarding the form, density and potential uses that might ultimately occupy the site
5. the application should be submitted when the proposed use of the church is determined, a site plan prepared, and the requirements for associated parking have been assessed
6. approving the application without an associated site plan means the opportunity to implement Section 37 benefits is lost
7. concerns about spillover traffic and parking in the surrounding neighbourhood
8. Blackburn Avenue is not the appropriate street to receive entrance/exit traffic from the underground parking garage
9. there is no evidence to support the proposed demolition of Bate Hall as a necessary measure for the preservation of the church
10. the set-back provisions for any future development should be as they are currently defined for the area in the existing zoning
11. the driveway that will be used to access the loading dock is not wide enough to accommodate commercial vehicles and was not constructed to accommodate heavy commercial traffic
12. deliveries should be limited to night-time hours to minimize impact on CODE's property
13. a fence should be constructed, extending to the sidewalk, to delineate the property line and eliminate the use of CODE's property for delivery purposes
14. the construction of an underground parking garage will negatively affect the CODE Property's foundation; the possible corresponding cost and time associated with rectifying such damage is a concern
15. the requested amendments would allow the site to be redeveloped with more than twice the current permitted height limit and density, inconsistent with the character of the neighbourhood
16. concerns about potential noise pollution from rooftop patios

- **Effect of Submissions on Planning Committee Decision:**

Debate: The Committee spent 44 minutes on this item.

Vote: The staff recommendations CARRIED as presented.

- **Effect of Submissions to both committees on Council Decision:**

Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.

Document 2

Summary of Written and Oral Submissions

Zoning By-Law Amendment and Official Plan Amendment – 3071 Riverside Drive (ACS2018-PIE-PS-0021)

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:

- **Number of delegations at Planning Committee:** 6
- **Number of Submissions received by Planning Committee between February 16 and March 28, 2018 :** 5
- **Primary arguments in support:** The applicant spoke in support
- **Primary concerns and arguments in opposition**
 1. the density, height, and massing of the development has changed from that originally presented to the community and will adversely affect neighbours' privacy and enjoyment of their homes
 2. there will be 4 back yards backing onto 1 (existing)
 3. the density and massing of buildings does not fit with the scale and character of the existing community, does not conform to the area Secondary Plan, the Community Concept plan and existing policies, and may set a precedent for greater density going forward
 4. concern that the City of Ottawa's Official Plan does not have a definition of medium density
 5. the buffer originally proposed to separate the existing and new developments has been removed from the current proposal; it should be reinstated
 6. the mixed-use component of the proposal should be eliminated and the north and east side (Section C) should not have a 'low-rise residential' land use zoning that allows up to 4-storey apartments
 7. the process by which the Ottawa Community Lands Development Corporation (OCLDC) handled the sale of the property was flawed and the governance of that body should be reviewed
 8. concern that the developer will seek incremental amendments to residential density
 9. insufficient consultation with the community

10. residents' concerns were minimized in the staff report (Document 7 – Consultations Details)

11. concerns about the unequal power relationship between the developer, City and residents, which leads residents to lose confidence in developers, the planning process and planning documents

- **Effect of Submissions on Planning Committee Decision:**

Debate: The Committee spent one hour and 41 minutes on this item.

Vote: The Committee CARRIED the report recommendations with two amendments:

1) to reduce the height of the mixed used building from three-storeys to two-storeys; 2) changes to zoning details to add clarity. The Committee recommendations to Council were as follows:

That Council approve:

1. **an amendment to Zoning By-law 2008-250 for 3071 Riverside Drive to permit a six storey retirement home and residential care facility, a two-storey mixed-use building with ground floor commercial twenty-six townhouse dwellings, thirty-six low-rise apartment units and a public park, as shown in Document 3, and detailed in Document 5, as amended by the following:**
 - a. **that Document 3 – Detailed Zoning Map legend, be amended as follows:**
 - **Area A to be rezoned from I1A to GM[xxxx] Sxxx**
Le zonage du secteur A sera modifié de I1A à GM[xxxx] Sxxx
 - **Area B to be rezoned from I1A to I1A[xxx1] Sxxxx**
Le zonage du secteur B sera modifié de I1A à I1A[xxx1] Sxxx
 - **Area C to be rezoned from I1A to R3B[xxx2] Sxxxx**
Le zonage du secteur C sera modifié de I1A à R3B[xxx2] Sxxx
 - **Area D to be rezoned from I1A to R4Y[xxx3] Sxxx**
Le zonage du secteur D sera modifié de I1A à

R4Y[xxx3] Sxxx ;

b. that Document 5 be amended as follows:

- i. replace provisions 1, 2, 3, and 4 with the following:**
- **rezone the lands shown in Document 3 from I1A to GM[xxxx] Sxxx.**
 - **rezone the lands shown in Document 3 from I1A to I1A[xxx1] Sxxx.**
 - **rezone the lands shown in Document 3 from I1A to R3B[xxx2] Sxxx.**
 - **rezone the lands shown in Document 3 from I1A to R4Y[xxx3] Sxxx.**

ii. add a new provision numbered 11 as follows:

“11. Part 17 - Schedules of By-law No. 2008-250 is amended by adding Attachment 4, as amended, to this by-law as Schedule xxx.”

- 2. an amendment to the Riverside Park Secondary Plan to redesignate an approximate four-hectare parcel of land located at 3071 Riverside Drive from ‘Institutional’ within the Riverside Park Secondary Plan to a new ‘Low-Rise Residential’ designation and ‘Mixed-Use Residential Commercial’ and ‘Park’ designations, as detailed in Document 2; and**
- 3. that there be no further notice pursuant to Sub-Section 34 (17) of the *Planning Act*.**

With the following direction to staff:

That Staff look at signage options for Ridgewood Mall on Riverside Drive to increase visibility of the mall and follow up with Councillor Brockington prior to consideration of this report at Council.

- **Effect of Submissions to both committees on Council Decision:**

Council considered all written and oral submissions in making its decision, and CARRIED this item with the proposed changes to zoning details, but with a further amendment to return the height of the mixed-use building to three storeys (13.5 meters), as proposed in the staff report.

Document 3

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 851 INDUSTRIAL AVENUE ACS2018-PIE-PS-0026

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:

- **Number of delegations at Planning Committee:** 4
- **Number of Submissions received by Planning Committee between February 16 and March 28, 2018 :** 2
- **Primary arguments in support**
 1. The applicant (represented by 3 delegations) spoke in support
- **Primary concerns and arguments in opposition**
 1. insufficient rationale provided to support the requests for additional height and retail use
 2. the proposal does not meet sound planning objectives
 3. approval would set a precedent that would be detrimental to the future of the local context of the community
 4. permission to construct a fifth storey would negatively impact the availability of sunlight to the adjacent property at 851 Industrial Avenue, on which there are plans to construct a four-storey building with an alternative energy system on the roof

Effect of Submissions on Planning Committee Decision:

Debate: The Committee spent 57 minutes on this item.

Vote: The staff recommendations CARRIED as presented

Effect of Submissions to both committees on Council Decision:

Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.