

**Report to  
Rapport au:**

**Council  
Conseil  
25 April 2018 / 25 avril 2018**

**Submitted on April 20, 2018  
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**Submitted by  
Soumis par:  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2018-CCS-OCC-0008**

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of April 11, 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 11 avril 2018.**

## **REPORT RECOMMENDATION**

**That Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of April 11, 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 11 avril 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 April 11, 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, Richmond Secondary Plan and Village of Richmond Community Design Plan and Zoning By-law Amendment for 6139 and 6143 Perth Street (ACS2018-PIE-PS-0042)
2. Official Plan and Zoning By-law Amendments – 5471, 5575 and 5613 Boundary Road – 5554, 5508, 5570, 5610 and 5800 Frontier Road (ACS2018-PIE-PS-0033)
3. Zoning By-law Amendment – 207 Bell Street North (ACS2018-PIE-PS-0039)

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 11 avril 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. Modification au Plan officiel, au Plan secondaire de Richmond, au Plan de conception communautaire du village de Richmond et au Règlement de zonage visant le 6341, rue Perth (ACS2018-PIE-PS-0042)
2. Modifications au Plan officiel et au Règlement de zonage – 5471, 5575 et 5613, chemin Boundary – 5554, 5508, 5570, 5610 et 5800, chemin Frontier (ACS2018-PIE-PS-0033)
3. Modification au Règlement de zonage – 207, rue Bell Nord (ACS2018-PIE-PS-0039)

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 April 11, 2018, considered three items subject to the *Planning Act* 'Explanation Requirements' described above. These items are as follows:

### **Agriculture and Rural Affairs Committee Report 33:**

- Official Plan, Richmond Secondary Plan and Village of Richmond Community Design Plan and Zoning By-law Amendment for 6139 and 6143 Perth Street (ACS2018-PIE-PS-0042)
- Official Plan and Zoning By-law Amendments - 5471, 5575 and 5613 Boundary Road - 5554, 5508, 5570, 5610 and 5800 Frontier Road (ACS2018-PIE-PS-0033)

### **Planning Committee Report 60A:**

- Zoning By-law Amendment - 207 Bell Street North (ACS2018-PIE-PS-0039)

## **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, Richmond Secondary Plan and Village of Richmond Community Design Plan and Zoning By-law Amendment for 6139 and 6143 Perth Street (ACS2018-PIE-PS-0042)

Document 2: Summary of Written and Oral Submissions: Official Plan and Zoning By-law Amendments - 5471, 5575 and 5613 Boundary Road - 5554, 5508, 5570, 5610 and 5800 Frontier Road (ACS2018-PIE-PS-0033)

Document 3: Summary of Written and Oral Submissions: Zoning By-law Amendment - 207 Bell Street North (ACS2018-PIE-PS-0039)

**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 25, 2018.

**Document 1****SUMMARY OF WRITTEN AND ORAL SUBMISSIONS****OFFICIAL PLAN, RICHMOND SECONDARY PLAN AND VILLAGE OF RICHMOND  
COMMUNITY DESIGN PLAN AND ZONING BY-LAW AMENDMENT FOR 6139 AND  
6143 PERTH STREET (ACS2018-PIE-PS-0042)**

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 Agriculture and Rural Affairs Committee: 0**

Bill Holtzman and proponent registered to speak in support of the application but declined as the recommendations were accepted by the Committee

- **Number of Submissions received between 29 March and 11 April: 2**

- **Primary arguments in support:**

- Deborah Belfie (on behalf of Toscano Land Corporation, the owners and developers of the Richmond Gate subdivision, located immediately to the west of Samara Square) They have reviewed the report and understand the second access in Phase 3A to Talos Circle will be closed once construction of Phase 3A is complete. Toscano Land Corporation agrees with this approach.

- **Primary concerns and arguments in opposition:**

- Deboah Belfie (Representing as above):
  - They are also requesting that the possible future access to Talos Circle from Phase 3B not be permitted.
  - The zoning bylaw amendment indicates a maximum 15 meter building height for Phase 3B. They believe this would allow for 4 storey buildings. They are requesting that the height limit reflect the concept plan for 3 storey apartment buildings as this is more compatible with the adjacent single detached homes in Richmond Gate
- Kim Pijselman, Owner Cedarstone Homes: They have no objection should the City of Ottawa and staff afford them the same consideration as is proposed by the Hyde park exception, and they obtain confirmation in writing of this. They hereby want their objection into the record.



**Effect of Submissions on Committee Decision:**

Debate        No debate.

Vote:         The Committee CARRIED as presented.

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item with as presented by the Agriculture and Rural Affairs Committee.

1.    **That Council:**
  - a.    **Approve the proposed modifications to the Official Plan and the Richmond Secondary Plan for 6139 and 6143 Perth Street to permit ground oriented attached and low-rise apartment along with a five-storey retirement home on a private communal water system as detailed in Document 2;**
  - b.    **Approve the proposed modifications to the Village of Richmond Community Design Plan to permit low-rise apartments and retirement home on part of 6143 Perth Street and ground oriented attached on 6139 Perth Street as detailed in Document 3;**
  - c.    **Approve the proposed amendment to the Zoning By-law for part of 6143 Perth Street from Rural Institution rural exception 715 – RI[715r] H(15) to Village Residential Third Density Subzone 3 rural exception xxx - V3E[xxxr] to permit residential low-rise apartments, a minimum floor area, minimum setback and maximum height for retirement home and smaller drive aisles and to Village Residential Density 3 subzone E with a rural exception XXY with a holding provision (V3E[XXYr]-h) as detailed in Document 4 and shown in Document 5.**

## Document 2

### SUMMARY OF WRITTEN AND ORAL SUBMISSIONS

#### OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS – 5471, 5575 AND 5613 BOUNDARY ROAD – 5554, 5508, 5570, 5610 AND 5800 FRONTIER ROAD (ACS2018- PIE-PS-0033)

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 Agriculture and Rural Affairs Committee: 9**
- **Number of Submissions received between 29 March and 11 April: 5**
- **Primary arguments in support:**
  - Michelle Taggart, Denis Goulet and Paul Smolkin – The proponent and agents.
    - Legal opinion is that the City can pay for a health risk assessment but that it would carry no weight in the Zoning application.
    - Wording in the Environmental Assessment clearly says a 5 km radius from the edge of the site not based on centre.
    - The Ministry of the Environment has given their ok.
    - Taggart will monitor closely using a variety of measures and instruments, air, water, biological, runoff, endangered species, etc...
    - There is a community liaison committee made up of community members and company which will deal with a variety of issues.
- **Primary concerns and arguments in opposition:**

Anne Schibli – A resident who lives downwind from the proposed project. She spoke to a PowerPoint presentation held on file with the City Clerk.

Harry Baker – President, Citizens' Environmental Stewardship Association spoke to a PowerPoint presentation held on file.

Dr. Bob Spasoff – Stated that many health risks are associated with these kinds of projects. Low birth rate, kidney disease, etc...

Charles Armstrong – Spoke to the need for a Human Health Risk Assessment and Risk-based monitoring and reporting. He gave a PowerPoint presentation held on file.

Dr. Gerry Heymans – A family physician from Russell Ontario stated that there would be impacts on health, the environment, water and social behavior. He noted

that 800 trucks would be going in and out of the site. This combined with another trucking project nearby would mean over 7,000-truck traffic. There must be better options than Boundary Road.

Marc Ryan – Noted that this project was irresponsible and showed negligence on the Province’s part and the City. He stated that this would be an ecological disaster.

Laurie McCannell – She noted that she farms in the bread basket of Ottawa, Cumberland Ward. She would like a Human Health Risk Assessment.

Gilles Bérubé – Resident of Russell Ontario. Would also like to see a health risk assessment.

Written submissions were also received from:

Rodney Blake-Knox, Mark Van Dusen, Annie Page, Milène Marengère, John Normoyle who all stated that they were opposed due to environmental and health reasons. All submissions are held on file with the City Clerk.

**Effect of Submissions on Committee Decision:**

Debate            Approximately 2 hours of debate.

Vote:             The Committee CARRIED as amended by 2 motions.

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item with as recommended by the Agriculture and Rural Affairs Committee:

**COMMITTEE RECOMMENDATIONS AS AMENDED**

**That Council:**

1.     **Adopt the Official Plan Amendment, attached as Document 2 to permit an integrated waste management site, which includes facilities for the purpose of recovery and recycling of waste in addition to a landfill area amendment to Schedule “A” to the City’s Official Plan.**
2.     **Approve an Amendment to Zoning By-law 2008-250 for 5471, 5575 AND 5613 BOUNDARY ROAD – 5554, 5508, 5570, 5610 AND 5800 FRONTIER ROAD to implement the new Official Plan**

Amendment as detailed in Document 3.

3. **Ensure all roadway and intersection works associated for both projects be built concurrently and be coordinated & timed to ensure the minimal possible impact on the public**
4. **Request from the Government of Ontario the authority and funding to regulate the ICI and C&D Waste streams.**

## Document 3

### Summary of Written and Oral Submissions

#### ZONING BY-LAW AMENDMENT – 207 BELL STREET NORTH (ACS2018-PIE-PS-0039)

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: 1**
- **Number of Submissions received by Planning Committee between March 16 and April 11, 2018 : 1**
- **Primary arguments in support:**
  - *Brian Casagrande and Nico Church, Fotenn Consultants Inc. (applicant)*
    1. The proposal represents good planning and is in the public interest, and is consistent with the Provincial Policy Statement (PPS) and conforms to policies in the City's Official Plan, thus fulfilling the planning requirements relative to Bill 139:
      - The proposal is consistent with Policy 1.1.1 of the PPS, as it capitalizes on an opportunity for increased utilization of the subject property, which is located in a built-up area of the City where services are readily available. The proposal will also contribute to a greater mix of uses in the neighbourhood by providing for additional commercial space. Further, the subject property is located within a dense, walkable residential neighbourhood with access to nearby public transit; as such, accessibility to the site's proposed commercial feature are conveniently accessible to users of alternative transportation modes
      - The proposal is consistent with Policy 1.1.3 (Settlement Areas) of the PPS, as the subject property is located in a built-up settlement area with sufficient servicing and infrastructure. The proposal is for an increase in the utilization and of the mix of land uses on the site, and in a building with a compact form. The site is in an ideal location that will help support active and public transportation modes. A greater mix of uses on site and in the neighbourhood will help promote air quality, energy efficiency, and public health through convenient access to alternative modes of transportation.

- The proposed amendment is consistent with Section 1.5 (Public Spaces, Recreation, Parks, Trails, and Open Space) of the PPS and is going to make this section of Bell Street more safe and pedestrian friendly and socially interactive.
- The proposal is consistent with Section 1.6 (Infrastructure and Public Service Facilities) of the PPS, as the subject property is located in a built-up area with existing infrastructure and public service facilities. The proposed intensification, albeit minor, of the site will help optimize the existing infrastructure and public service facilities, including sewage and water services and alternative transportation modes such as public transit and active transportation.
- The proposal is consistent with Policy 1.7 (Long Term Economic Prosperity) of the PPS, as the application will permit increased utilization of a site in an already built up area with existing services while promoting active transportation and public transit use. In addition, the application will increase the permitted range of uses on the property and facilitate the operation of a small patio area, thereby enhancing the vitality and viability of the existing on-site restaurant and nearby mainstreet while creating a sense of place through well-designed built form.
- The proposal is consistent with Policy 1.8 (Energy Conservation, Air Quality and Climate Change) of the PPS, as the application promotes increased use and viability of an existing development site that accommodates land uses at a location that lends itself well to active transportation and public transit opportunities.
- The proposal conforms to the policies of the General Urban Area (City of Ottawa Official Plan (2003, As Amended)) designation in that: a variety of small, locally oriented convenience and service uses consistent with the needs of nearby residential areas; the site is conveniently located in close proximity to several concentrations of residential development and provides good access to pedestrians and cyclists from adjacent residential areas; and the proposed commercial uses are of a size and scale that will limit the attraction of vehicular traffic from outside the immediate area.
- The proposed application meets the intent of Section 2.5.1 of the Official Plan and supports several of the City's Urban Design goals. In particular, the proposed patio and ground floor commercial uses will help improve the relationship between the building and the street, contribute to creating an attractive space that is visible and safe, and enliven the surrounding neighbourhood in a way that will not disrupt the character of the existing area.

Further, the application provides flexibility for the building on the subject property to adapt to a variety of ground floor commercial uses over time.

- The proposed application conforms to the urban design compatibility criteria outlined in Section 4.11 of the City of Ottawa Official Plan. Notably, the proposed outdoor commercial patio will help more outdoor amenity space on the subject property; a noise study has confirmed that the proposed patio use will not have a significant noise impact on the surrounding neighbourhood; and the subject property is in close proximity to several supporting neighbourhood amenities including schools, parks, and a community centre.

**Primary concerns and arguments in opposition:** None received

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

Debate        The Committee approved this item on consent (without discussion or debate).

Vote:         Planning Committee CARRIED the report recommendations 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.