

**Report to  
Rapport au:**

**Council  
Conseil  
10 May 2017 / 10 mai 2017**

**Submitted on May 5, 2017  
Soumis le 5 mai 2017**

**Submitted by  
Soumis par:  
Council Coordinator / coordonnatrice du Conseil**

**Contact Person  
Personne ressource:  
Caitlin Salter MacDonald, Program Manager, Committee and Council Services  
and Council Coordinator/ Gestionnaire de programme, Services au Conseil  
municipal et aux comités, et coordonnatrice du Conseil  
(613) 580-2424 x 28136, caitlin.salter-macdonald@ottawa.ca**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-CCS-OCC-0007**

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR  
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY  
COUNCIL MEETING OF APRIL 26, 2017**

**OBJET: RÉSUMÉS DES OBSERVATIONS ORALES ET ÉCRITES DU PUBLIC  
SUR LES QUESTIONS ASSUJETTIES AUX EXIGENCES D'EXPLICATION AUX  
TERMES DE LA LOI 73 EXAMINÉS À LA RÉUNION DU CONSEIL 26 AVRIL 2017**

#### **REPORT RECOMMENDATION**

**That City Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of April 26, 2017 that are subject to the 'Explanation Requirements' of Bill 73, the *Smart Growth for Our Communities Act, 2015*, as described in this report and attached as Documents 1 and 2.**

## RECOMMANDATION DU RAPPORT

**Que le Conseil municipal approuve les résumés des observations orales et écrites du public sur les questions assujetties aux exigences d'explication aux termes de la loi 73, la *Loi de 2015 pour une croissance intelligente de nos collectivités*, qui ont été étudiées à la réunion du Conseil du 26 avril 2017, comme les décrit le présent rapport et qui sont joints à titre de documents 1 et 2.**

## 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 26, 2017, City Council considered eight planning applications for which written and/or oral submissions were received after publication of the staff report:

1. Zoning By-law Amendment – 890 and 900 Bank Street (ACS2017-PIE-PS-0036)
2. Zoning By-law Amendment – 590 Hazeldean Road (ACS2017-PIE-PS-0049)

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

## 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 26 avril 2017, le Conseil municipal a examiné deux demandes d'aménagement pour lesquelles il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modification au Règlement de zonage – 890 et 900, rue Bank (ACS2017-PIE-PS-0036)

2. Modification au Règlement de zonage – 1400, chemin Hazeldean (ACS2017-PIE-PS-0049)

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

## 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
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 22 June 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 26, 2017, considered two items that are subject to the Bill 73 'Explanation Requirements' described above. These items are as follows:

Planning Committee Report 42

- Zoning By-law Amendment – 890 and 900 Bank Street (ACS2017-PIE-PS-0036)
- Zoning By-law Amendment – 590 Hazeldean Road Carling Avenue (ACS2017-PIE-PS-0049)

## **RURAL IMPLICATIONS**

There are no rural implications associated with the report recommendation.

## **CONSULTATION**

The consultation undertaken with respect to the planning applications noted in this report is summarized in Documents 1 and 2

## **COMMENTS BY THE WARD COUNCILLORS**

The Ward Councillors' comments were contained in the individual reports 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 applications described in this report are contained in the individual reports 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 applications described in this report are contained in the individual reports 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 – Zoning By-law Amendment – 890 and 900 Bank Street (ACS2017-PIE-PS-0036)

Document 2 - Summary of Written and Oral Submissions – Zoning By-law Amendment – 590 Hazeldean Road Carling Avenue (ACS2017-PIE-PS-0049)

## **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 May 10, 2017.

## Summary of Written and Oral Submissions

### ZONING BY-LAW AMENDMENT – 890 AND 900 BANK STREET (ACS2017-PIE-PS-0036)

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 between 4 and 26 April 2017: 13**
- **Primary arguments in support:**
  - appreciation for increased setback at the rear and side of property, and for height limit of the wall on the west side of 890 Bank to four storeys
  - support for urban intensification in general
  - if building heights and setbacks were reduced, some negative impacts would be mitigated and the proposal would be defensible at the Ontario Municipal Board, if appealed
  - The proposal has some positive features but is not compatible at the scale proposed
  - the applicant spoke in support of the application and indicated that any requirement to reduce height and setbacks would have a detrimental impact on their ability to proceed with this development
- **Primary concerns and arguments in opposition:**
  - the possibility this development might set a precedent for further development
  - lack of clarity about what acceptable transition is
  - the Financial Implications comment in the staff report seems to indicate the City would accept the proposal as is because the Planning Department does not have the funds to make an appeal to the Ontario Municipal Board
  - incompatibility with Traditional Mainstreet zoning and with the existing character of the street

- results of public consultation not adequately represented in the report
- an inadequate amount of parking is proposed and will exacerbate current congestion, traffic and parking issues
- proposed building height is too much for the area and will obstruct light flow
- mature trees would be removed to accommodate the development and views on Melgund Avenue would be impacted
- more thought should be given to transition with adjacent properties
- insufficient parking proposed for the beer store
- one way to mitigate the parking issue is to require that bus passes be provided to staff and that OCTranspo be asked to provide a bus stop in front of the building on both sides of Bank Street
- a Secondary Plan for the area might have helped to guide the development in terms of creating a smooth and gradual transition between buildings but the absence of such a Plan is not a reason to accept the application as is
- the proposal is of no benefit to the community
- the proposed design is unattractive
- a seniors' residence is not a good use of the building and will not help to rejuvenate the street
- would support the proposal if scaled back somewhat and would welcome more small, boutique retail stores at this end of the main street
- policies and legislation that govern zoning by-law issues need to be updated and strengthened and changes to them should only proceed with the participation and consensus of the residents and stakeholders of an affected community
- there should be a passageway through the building to Bank Street for access and light
- a moratorium should be implemented on additional height/massing on Bank Street's Traditional Mainstreet until such time as either a Secondary Plan is in place or Official Plan Amendment 150 becomes effective would be appropriate



**Effect of Submissions on Committee Decision:**

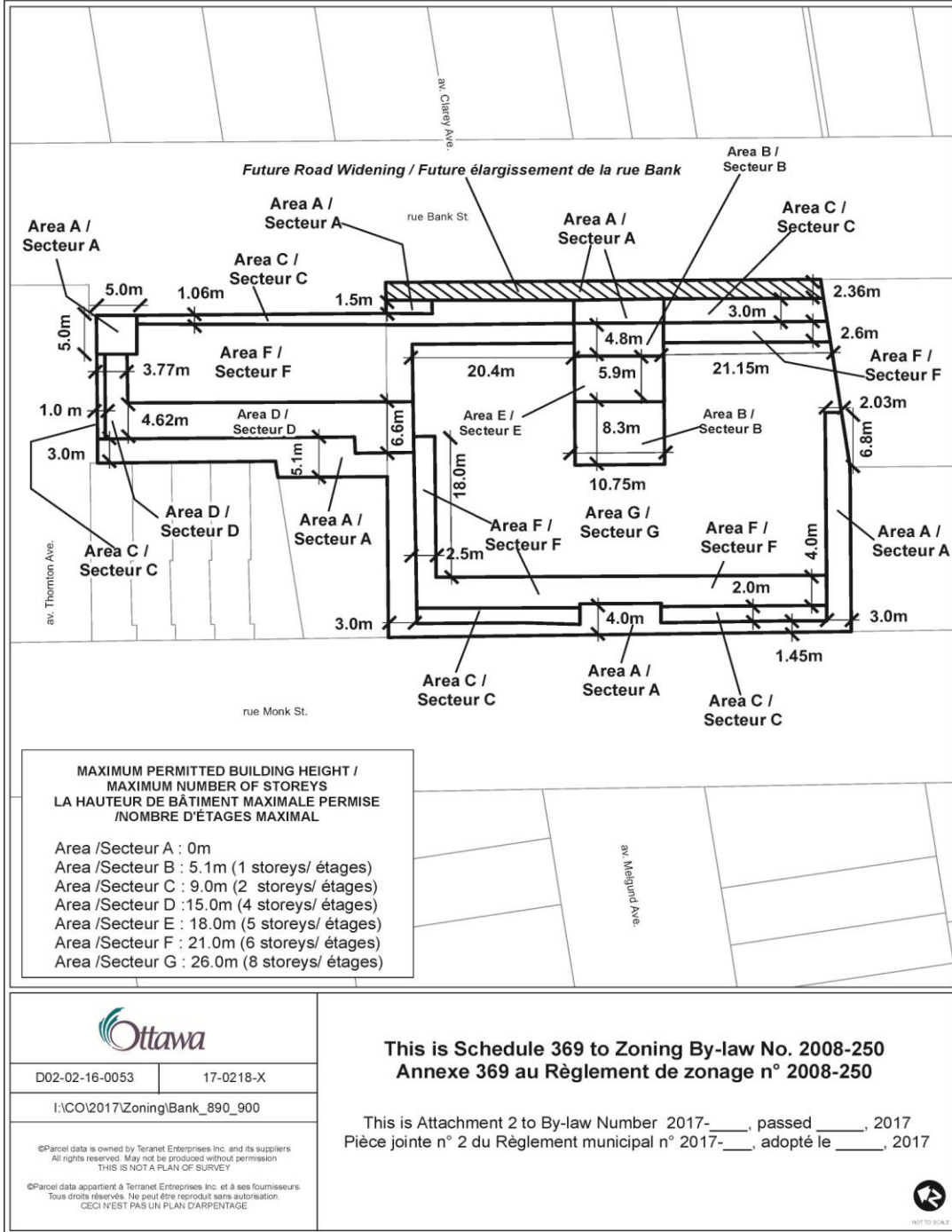
Debate        The Committee spent two hours and fifteen minutes on this item

Vote:         The Committee defeated an amendment to the staff recommendation to limit building height and setback and then CARRIED this item as presented

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item with an amendment, as follows:

**That Council approve:**

1. **an amendment to Zoning By-law 2008-250 for 890 and 900 Bank Street to permit an eight storey mixed-use building with ground floor commercial and a retirement home and residential care facility use, as detailed in Document 2;**
2. **that Document 3 (Proposed Zoning Schedule) of the report entitled Zoning By-law Amendment – 890 & 900 Bank Street (ACS2017-PIE-PS-0036) be replaced with the attached schedule (see below); and**
3. **that, pursuant to the *Planning Act*, Subsection 34(17), no further notice be given.**



**Summary of Written and Oral Submissions**  
**ZONING BY-LAW AMENDMENT – 590 HAZELDEAN ROAD**  
**(ACS2017-PIE-PS-0049)**

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 between 4 and 26 April 2017: 3**
- **Primary arguments in support:**
  - appreciation for increased setback at the rear and side of property, and for height limit of the wall on the west side of 890 Bank to four storeys
  - support for urban intensification in general
  - if building heights and setbacks were reduced, some negative impacts would be mitigated and the proposal would be defensible at the Ontario Municipal Board, if appealed
  - The proposal has some positive features but is not compatible at the scale proposed
  - the applicant spoke in support of the application and indicated that any requirement to reduce height and setbacks would have a detrimental impact on their ability to proceed with this development
- **Primary concerns and arguments in opposition:**
  - the watercourse corridor is insufficient to handle floodplain control
  - the staff report should be amended to reflect that the vacant 48.5-hectare parcel was an active farm until very recently, and the northern end of the site is still occupied by the heritage-designated Bradley-Craig barn and farmhouse (conditionally approved for demolition/relocation)
  - there is no need for additional commercial blocks on the south side of Hazeldean Road, which would be aesthetically unappealing, add to congestion and further limit any plan to make the area pedestrian and cyclist friendly

- the City should not be permitting pathways in floodplains, as this can result in very frequent flooding on the multi-use pathways (MUP), damage to MUP embankments if they are above grade, and trapping water between the MUP and adjacent lands
- the 590 Hazeldean subdivision plan may lead to problems in respect of: access to shorelines; the location of Pond 1 and its impact on floodplain storage; streets located adjacent to the watercourse corridor; rear yard elevations and setbacks to accommodate the required grading adjacent to the corridor; the area downstream is poorly understood and requires revision in the plans; the impact of adding flow to adjacent areas has not been identified.

**Effect of Submissions on Committee Decision:**

Debate        The Committee spent thirty-three minutes on this item

Vote:         The Committee CARRIED this item as presented

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item as presented.