

**Report to  
Rapport au:**

**Council  
Conseil**

**11 October 2017 / 11 octobre 2017**

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**Submitted by  
Soumis par:  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-CCS-OCC-0015**

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR  
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY  
COUNCIL MEETING OF SEPTEMBER 27, 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 27 SEPTEMBRE  
2017**

#### **REPORT RECOMMENDATION**

**That City Council approve the Summaries of Oral and Written Public Submissions  
for items considered at the City Council Meeting of September 27, 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 27 septembre 2017, comme les décrit le présent rapport et qui sont joints à titre des 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 September 27, 2017, City Council considered two planning applications for which written and/or oral submissions were received after publication of the staff report:

1. Official Plan Amendment – 4791 Bank Street (ACS2017-PIE-PS-0019)
2. City of Ottawa Zoning By-law 2008-250: Omnibus Amendments Q3 2017 (ACS2017-PIE-EDP-0031)

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 27 septembre 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 Plan officiel – 4791, Rue Bank (ACS2017-PIE-PS-0019)
2. Règlement général de zonage 2008-250: Modifications d'ordre général Q3 2017 (ACS2017-PIE-EDP-0031)

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 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*:

<b>Subsections</b>	<b>Related Matters</b>
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 September 27, 2017, considered two items that are subject to the Bill 73 'Explanation Requirements' described above. This item is as follows:

### **Planning Committee Report 50A**

1. Official Plan Amendment - 4791 Bank Street (ACS2017-PIE-PS-0019)
2. City of Ottawa Zoning By-law 2008-250: Omnibus Amendments Q3 2017 (ACS2017-PIE-EDP-0031)

## **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 - 4791 Bank Street (ACS2017-PIE-PS-0019)

Document 2 - City of Ottawa Zoning By-law 2008-250: Omnibus Amendments Q3 2017 (ACS2017-PIE-EDP-0031)

**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 October 11, 2017.

### Summary of Written and Oral Submissions

#### OFFICIAL PLAN AMENDMENT – 4791 BANK STREET (ACS2017-PIE-PS-0019)

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 5 September and 27 September 2017:** 1
- **Primary arguments in support:**
  - The front-end agreement will be finalized by the end of this year and the project is tracking on schedule.
- **Primary concerns and arguments in opposition:**
  - The additional units will increase traffic congestion for residents' south of Findlay Creek, particularly along Bank Street.
  - This amendment could set a precedent for future requests along Bank Street
  - Prior to further development, additional investments in transportation infrastructure for the community as a whole are needed to improve walking, cycling and safety (suggestions included bike paths, sidewalks and multi-use pathways)
- **Effect of Submissions on Committee Decision:**

Debate: The Committee spent five minutes on this item

Vote: The Committee CARRIED this item with an amendment to update the wording in the Financial Implications section of the report.
- **Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item presented, with the amended financial comment.

### Summary of Written and Oral Submissions

#### City of Ottawa Zoning By-law 2008-250: Omnibus Amendments Q3 2017 (ACS2017-PIE-EDP-0031)

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: 1**  
**Number of delegations at Planning Committee: 2**
- **Number of Submissions received by Agriculture and Rural Affairs Committee between 31 August and 27 September 2017: 0**  
**Number of Submissions received by Planning Committee between 5 and 27 September 2017: 2**
- **Primary arguments in support at Agriculture and Rural Affairs Committee:**
  - Support for the groundwork for future regulatory changes with respect to payday loan establishments
- **Primary arguments in support at Planning Committee**
  - Support for the groundwork for future regulatory changes with respect to payday loan establishments
- **Primary concerns and arguments in opposition at Agriculture and Rural Affairs Committee**
  - None received
- **Primary concerns and arguments in opposition at Planning Committee:**
  - Amendment relating to 1960 Scott Street (removal of reference to “maximum number of storeys”) is buried in the report and the general public is unaware of it. An omnibus amendment report is not subject to the same type of consultation as a planning / zoning application and including an amendment like this results in a lack of transparency in the planning process.
- **Effect of Submissions on Agriculture and Rural Affairs Committee Decision:**  
Debate: The Committee spent 15 minutes on this item



Vote: The Committee CARRIED this item as presented

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

Debate: The Committee spent 20 minutes on this item

Vote: The Committee CARRIED this item as presented

- **Primary concerns and arguments in opposition received between Planning Committee and Council consideration**

- Opposition to the proposal to amend section 54 with respect to the definition of 'Gross Floor Area', as it might adversely impact an application in respect of 445 Green Avenue; requested that the amendment be modified to grandfather 445 Green Avenue from the definition of 'gross floor area' prior to passage by 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 following amendment:

**WHEREAS Report ACS 2017-PIE-EDP-0031 recommends amendments to Zoning By-law No. 2008-250 including the creation of a definition for payday loan establishments; and**

**WHEREAS the report recommends this new land use be permitted where a bank is currently a permitted use; and**

**WHEREAS the report provides that staff will be reviewing approaches to regulating payday loan establishments;**

**THEREFORE BE IT RESOLVED that Council direct staff in the Planning, Infrastructure and Economic Development Department to add to their 2018 Work Plan the preparation of a report recommending regulations for payday loan establishments for consideration by Planning Committee and City Council.**