

**Report to
Rapport au:**

**Council
Conseil**

22 February 2017 / 22 février 2017

**Submitted on February 17, 2017
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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: ACS2017-CCS-OCC-0003

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT
THE CITY COUNCIL MEETING OF FEBRUARY 8, 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 8 FÉVRIER 2017**

REPORT RECOMMENDATIONS

That City Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of February 8, 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 to 3.

RECOMMANDATIONS 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 8 février 2017, 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 February 8, 2017, City Council considered five planning applications for which written and/or oral submissions were received after publication of the staff report:

- Zoning By-law Amendment – 404 Eden Avenue (ACS2017-PIE-PLS-0004)
- Zoning By-Law Amendment – 774 Bronson Avenue (ACS2016-PIE-PLS-0006)
- Zoning By-Law Amendment – 770 Bronson Avenue (ACS2016-PIE-PLS-0005)

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 8 février 2017, le Conseil municipal a examiné cinq demandes d'aménagement pour lesquelles il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

- Modification au Règlement de zonage – 404, avenue Eden (ACS2017-PIE-PLS-0004)
- Modification au Règlement de zonage – 774 avenue Bronson (ACS2017-PIE-PLS-0006)
- Modification au Règlement de zonage – 770 avenue Bronson (ACS2017-PIE-PLS-0005)

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

Subsections	Related Matters
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 February 8, 2017, considered three items that are subject to the Bill 73 'Explanation Requirements' described above. These items are as follows:

Planning Committee Report 38A

- Zoning By-law Amendment – 404 Eden Avenue (ACS2017-PIE-PLS-0004)
- Zoning By-Law Amendment – 774 Bronson Avenue (ACS2016-PIE-PLS-0006)
- Zoning By-Law Amendment – 770 Bronson Avenue (ACS2016-PIE-PLS-0005)

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 to 3.

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 following Term of Council Priority:

- Governance, Planning and Decision-making

SUPPORTING DOCUMENTATION

Document 1 – Summary of Written and Oral Submissions - Zoning By-law Amendment – 404 Eden Avenue (ACS2017-PIE-PLS-0004)

Document 2 - Summary of Written and Oral Submissions – Zoning By-Law Amendment – 774 Bronson Avenue (ACS2016-PIE-PLS-0006)

Document 3 - Summary of Written and Oral Submissions – Zoning By-Law Amendment – 770 Bronson Avenue (ACS2016-PIE-PLS-0005)

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 February 22, 2017.

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 404 EDEN AVENUE (ACS2017-PIE-PLS-0004)

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: 3**
- **Number of Submissions received between 17 January and 8 February 2017: 2**
- **Primary arguments in support :**
 - 13 units is a balanced level of intensification considering the site's proximity to a transit station and area amenities, and considering the mid-rise mixed-use developments existing to the north and west of it
 - Underground parking access will occur at the rear of the building, thus eliminating the need for vehicular access across the face of the building, reducing pedestrian conflict and increasing the viability of street landscaping
 - Extra visitor parking spaces are being provided beyond the minimal requirement to respond to existing parking concerns
 - Rear yard setback is greater than required to reduce impacts on adjacent neighbor and accommodate underground parking access as well as communal amenity space
 - Fourth storey is recessed from front and southerly edges to mitigate impacts on streetscape and adjacent lands
 - Refusing this application to re-examine the Secondary Plan for the area would be inappropriate and unjust given the merits of this development and the fact that applications are to be considered under the policy framework in place when an application is made
- **Primary concerns and arguments in opposition:**
 - Proposal is out of scope with existing development on the street and out of character

- Potential for increased traffic and parking issues
- Loss of greenspace
- Could open the door for more development of the same type in the area
- There is adequate rental development in the area to mitigate the need for this building
- Proposal has no relevance to what exists and would be permitted under the existing zoning
- A three-unit tri-plex within the accepted 10.7 m height and with retained greenspace would be more acceptable
- Proposal does not protect the R3 zoning of the area as was intended with the area's Community Design Plan
- The language used in the report is misleading and minimizes the imposition it would represent on the neighbourhood and its profound change in zoning and transition
- The new building will cause diminished light and space, obstructed views, and privacy infringement
- Proposal would result in triple density for the street
- Proposal is about money and not what the neighbourhood needs

Effect of Submissions on Committee Decision:

Debate The Committee spent thirty-five 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.

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 774 BRONSON AVENUE (ACS2017-PIE-PLS-0006)

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: 2**
- **Number of Submissions received between 17 January and 8 February 2017: 3**
- **Primary arguments in support :**
 - The developer engaged the community and revised the proposal to address initial concerns about building height, massing and frontage on Cambridge Street
 - The community is please with the amount of indoor bicycle parking space to be provided and pleased that some of those could be converted to vehicle parking spaced in future if needed
 - The visitor parking provision is beyond the minimal requirement
 - The indoor bicycle parking and amenity space is beyond the minimal requirement
 - The building will be situated on a transit priority corridor with a bus route that proceeds through Carleton University, and those students would have transit passes as they are required to purchase the U-Pass
 - It will be a smaller scale student residence, averaging less than 2 bedrooms per unit
 - Parking provision is in line with what the City has approved for other purpose-built student residences
 - Take-up on parking spaces in student residences in Ottawa, Waterloo and Toronto has been very low
 - Residential character of the community to the west has been considered

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

- The number of parking spaces to be provided is below the City's new minimum parking requirements and is based on an assumption that the prospective tenants will be students without cars, a situation that could change quickly in future
- There are no commercial parking spaces for the commercial businesses at grade
- Little research to indicate the parking to be provided is sufficient
- Could set precedent for future developments with limited parking
- Reduced parking will creating a serious burden for on-street parking and access, and a significant increase in traffic, noise and congestion
- The density increase will mean an increased number of pedestrians and students making dangerous crossings on Bronson Avenue
- 12 storeys is too tall and would block sunlight across Bronson; height should be limited to nine stories
- Limited attention has been paid to the character of the Bronson side of the development
- Will severely change the landscape of the Glebe
- A student residence will lead to increased noise levels in a family-oriented neighbourhood

Effect of Submissions on Committee Decision:

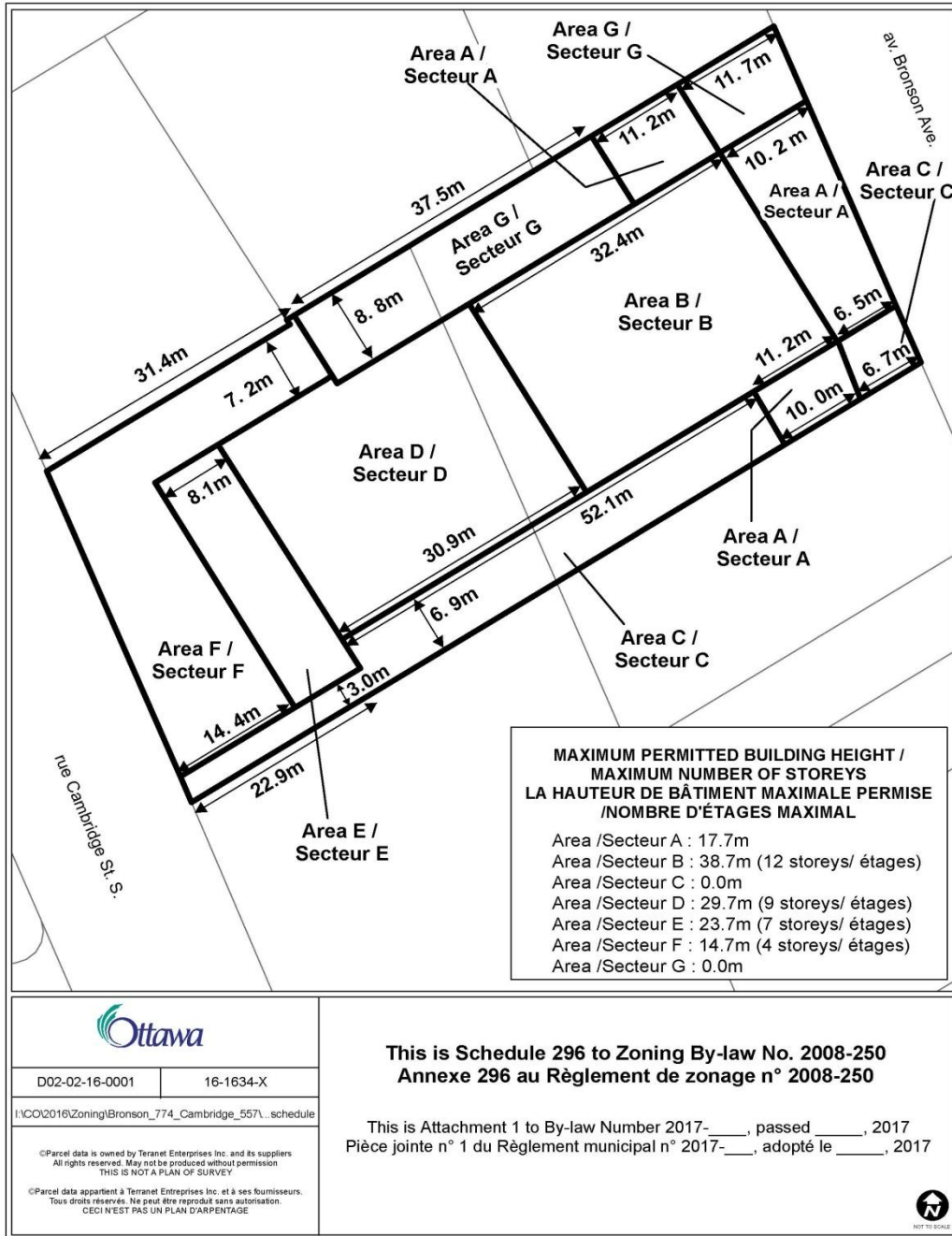
Debate The Committee spent thirty-five minutes on this item

Vote: The Committee CARRIED this item with an amendment to Document 2 (Details of Recommended Zoning) to change the maximum floor space index to 3.0

Effect of Submissions on Council Decision: Council considered all written and oral submissions in making its decision and CARRIED this item with a further amendment, to Document 3, as set out in full below:

That Council approve:

- 1. an amendment to Zoning By-law 2008-250 for 774 Bronson Avenue to replace Schedule 296 and amend Exception [2003] to allow for a twelve storey mixed use building as detailed in Document 2, as amended by the following:**
 - a. adding the following provision to Document 2, section 2. c):**
 - “-The maximum floor space index is 3.0”; and**
 - b. amending Document 3 by replacing the maximum building height schedule with the attached schedule**



2. that no further notice be provided pursuant to Subsection 34(17) of the Planning Act.

Summary of Written and Oral Submissions

ZONING BY-LAW AMENDMENT – 770 BRONSON AVENUE (ACS2017-PIE-PLS-0005)

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: 2**
- **Number of Submissions received between 17 January and 8 February 2017: 2**
- **Primary arguments in support :**
 - The developer engaged the community and revised the proposal to address initial concerns about building height, impact on traffic, congestion and streetscape
- **Primary concerns and arguments in opposition:**
 - It is critical to consider this application in tandem with the one for the adjacent 774 Bronson avenue as the combined "ask" is quite substantive
 - There are no commercial parking spaces for the commercial businesses at grade
 - Reduced parking will creating a serious burden for on-street parking and access, and a significant increase in traffic, noise and congestion
 - The density increase will mean an increased number of pedestrians and students making dangerous crossings on Bronson Avenue
 - 12 storeys is too tall and would block sunlight across Bronson; height should be limited to nine stories
 - Limited attention has been paid to the character of the Bronson side of the development
 - Will severely change the landscape of the Glebe
 - A student residence will lead to increased noise levels in a family-oriented neighbourhood

Effect of Submissions on Committee Decision:

Debate The Committee spent five minutes on this item

Vote: The Committee CARRIED this item with an amendment 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