

**Report to  
Rapport au:**

**Council  
Conseil  
24 May 2017 / 24 mai 2017**

**Submitted on May 19, 2017  
Soumis le 19 mai 2017**

**Submitted by  
Soumis par:  
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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-CCS-OCC-0009**

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR  
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY  
COUNCIL MEETING OF MAY 10, 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 10 MAI 2017**

#### **REPORT RECOMMENDATION**

**That City Council approve the Summaries of Oral and Written Public Submissions for items considered at the City Council Meeting of May 10, 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 4.**

## 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 10 mai 2017, comme les décrit le présent rapport et qui sont joints à titre de documents 1 à 4.**

## 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 May 10, 2017, City Council considered four planning applications for which written and/or oral submissions were received after publication of the staff report:

1. Zoning By-law Amendment – 2583 and 2599 Carling Avenue (ACS2017-PIE-PS-0045)
2. Zoning By-Law Amendment – 137 and 141 George Street (ACS2017-PIE-PS-0060)
3. Official Plan Amendment – 2715, 2777 Tenth Line Road, 810 Wall Road and 2390, 2484, 2656 Trim Road (ACS2017-PIE-PS-0018).
4. Comprehensive Zoning By-Law 2008-250: Omnibus Amendments Q2 2017 (ACS2017-PIE-PS-0054)

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 10 mai 2017, le Conseil municipal a examiné quatre 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 – 2583 et 2599, avenue Carling (ACS2017-PIE-PS-0045)
2. Modification au Règlement de zonage –137 et 141, rue George (ACS2017-PIE-PS-0060)
3. Modification au Plan officiel – 2715 et 2777, chemin Tenth Line, 810, chemin Wall, et 2390, 2484 et 2656, chemin Trim (ACS2017-PIE-PS-0018).
4. Règlement général de zonage n° 2008-250 : modifications d'ordre général T2 2017 (ACS2017-PIE-PS-0054)

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*:

<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 May 10, 2017, considered two items that are subject to the Bill 73 'Explanation Requirements' described above. These items are as follows:

### Planning Committee Report 43

- Zoning By-law Amendment – 2583 and 2599 Carling Avenue (ACS2017-PIE-PS-0045)
- Zoning By-Law Amendment – 137 and 141 George Street (ACS2017-PIE-PS-0060)

### Agriculture and Rural Affairs Committee Report 24

- Official Plan Amendment – 2715, 2777 Tenth Line Road, 810 Wall Road and 2390, 2484, 2656 Trim Road (ACS2017-PIE-PS-0018).
- Comprehensive Zoning By-Law 2008-250: Omnibus Amendments Q2 2017 (ACS2017-PIE-PS-0054)

## **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 – 2583 and 2599 Carling Avenue (ACS2017-PIE-PS-0045)

Document 2 - Summary of Written and Oral Submissions – Zoning By-Law Amendment – 137 and 141 George Street (ACS2017-PIE-PS-0060)

Document 3 – Summary of Written and Oral Submissions – Official Plan Amendment – 2715, 2777 Tenth Line Road, 810 Wall Road and 2390, 2484, 2656 Trim Road (ACS2017-PIE-PS-0018)

Document 4 – Summary of Written and Oral Submissions - Comprehensive Zoning By-Law 2008-250: Omnibus Amendments Q2 2017 (ACS2017-PIE-PS-0054)

**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 24, 2017.

## Summary of Written and Oral Submissions

### ZONING BY-LAW AMENDMENT – 2583 AND 2599 CARLING AVENUE (ACS2017-PIE-PS-0045)

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 2 and 10 May 2017: 0**
- **Primary arguments in support:**
  - the applicant spoke in support of the application and indicated that the proposal complies with all Official Plan and Zoning requirements currently in effect, and that the property owner, Dymon Capital Corporation, is committed to addressing the issues regarding grading, retaining wall and tree preservation / replacement at the neighbouring 2573 Carling property
- **Primary concerns and arguments in opposition:**
  - the proposed development would occur two feet from the neighbouring 2573 Carling property and there would be no opportunity to maintain the party wall
  - a formal agreement be put in place to address issues arising from the proposed development relating to the grading, retaining wall and tree preservation / replacement at 2573 Carling

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

Debate        The Committee spent nine minutes on this item

Vote:         Committee approved a technical amendment to replace Document 6, the Overview Data Sheet, with a corrected version and CARRIED the report recommendations 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 – 137 AND 141 GEORGE STREET (ACS2017-PIE-PS-0060)

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: 0**
- **Number of Submissions received between 2 and 10 May 2017: 1**
- **Primary arguments in support:**
  - none received
- **Primary concerns and arguments in opposition:**
  - the project that was originally approved for this site should proceed, not a parking lot
  - if the approved condo project is not going ahead, the lot should be put up for sale to allow someone else to develop the site

#### Effect of Submissions on Committee Decision:

Debate      The Committee spent eight minutes on this item

Vote: Committee approved a technical amendment to replace the Ward Councillor's comment section, as the report provided to the coordinator had the wrong comment and a motion to amend recommendation 1 and Document 2, as follows:

#### That Planning Committee recommend Council approve:

- 1) **an amendment to Zoning By-law 2008-250 for 137 and 141 George Street to permit a temporary parking lot for a maximum of three years, as detailed in Document 2, and that the implementing Zoning By-law not proceed to Council until such time as the site plan control application is approved and any related securities are provided to the City;**
- 2) **that Document 2 be replaced with the following:**  
  
**Document 2 – Details of Recommended Zoning**

**The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 137 and 141 George Street:**

1. **Amend exception [2031] in Section 239, Urban Exceptions, to add in revisions similar in effect to the following:**
  - (a) **In Column III, add the text**  
**“- parking lot”;**
  - (b) **In Column V, add the following text:**
    - **a parking lot is permitted as a temporary use on the lots municipally known as 137 and 141 George Street beginning on [date of passage of by-law] and expiring on [date three years from date of passage of by-law]**
    - **Section 110 does not apply**
    - **the minimum required width of a landscaped buffer for a parking lot abutting a street is 3m and a driveway may cross the landscaped buffer; and**
- 3) **that there be no further notice, pursuant to Subsection 34 (17) of the Planning Act;**
4. **That Planning 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 10 May 2017”, subject to submissions received between the publication of this report and the time of Council’s decision.**

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED this item as amended by Planning Committee

### Summary of Written and Oral Submissions

#### OFFICIAL PLAN AMENDMENT – 2715, 2777 TENTH LINE ROAD, 810 WALL ROAD AND 2390, 2484, 2656 TRIM ROAD

#### ACS2017-PIE-PS-0018 CUMBERLAND (19)

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 Submissions received between 4 May and 10 May 2017: 2**
- **Primary arguments in support :**
  - There is significant land in Orléans that should be developed in priority to reduce sprawl and optimize city resources, specifically between Tenth Line and Mer Bleue (north of Wall Rd) and in the area between Renaud, Mer Bleue and Innes.
  - With proper drainage the land is prime agricultural land.
- **Primary concerns and arguments in opposition:**
  - Dispute the claims made by staff that the lands in question are prime agricultural lands (Class 1 to 3).
  - Other experts that had very different results on soil value and land.
  - The farmer that currently works the land disputes the City's finding of Class 3 soil. The lands are Class 5w and not Class 3DW and therefore would like to see the area changed from Agricultural Resource Area to General Rural Area.

#### Effect of Submissions on Committee Decision:

Debate        The Committee spent 20 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 with as presented by the Agriculture and Rural Affairs Committee.

**That Agriculture and Rural Affairs Committee recommend Council refuse the Official Plan amendment for the properties at 2715, 2777 Tenth Line Road; 810 Wall Road; 2390, 2484, 2656 Trim Road and other unaddressed properties, as shown in Document 1.**

### Summary of Written and Oral Submissions

#### COMPREHENSIVE ZONING BY-LAW 2008-250: OMNIBUS AMENDMENTS Q2 2017 (ACS2017-PIE-PS-0054)

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: 0**
- **Number of delegations at Agriculture and Rural Affairs Committee: 0**
- **Number of Submissions received between 19 April and 10 May 2017: 2**
- **Primary arguments in support:**
  - support for the proposal to permit motorcycle and bicycle training in non-residential parking lots
- **Primary concerns and arguments in opposition:**
  - confusion about the report language in terms of the proposed amendment for 950 Terry Fox Drive, specifically regarding the amendment for the sales office and missing information in the GeoOttawa website.

#### Effect of Submissions on Committee Decision:

Debate      The Planning Committee spent three minutes on this item

Vote:        Committee approved a technical amendment, as follows, to amend Documents 1 and 2 because technical implementation details on certain zoning anomaly items were omitted from the report:

1. **That Planning Committee recommend Council approve amendments to Zoning By-law 2008-250, as shown in Document 1 and detailed in Documents 2 and 4, as amended by the following:**

- a. **That the following schedule be added to Document 1:**



**b. That Document 2 – Zoning details for review by Planning Committee, be amended by adding the following four items:**

I Item	II Zoning Details
<p><b>Converted dwelling anomaly</b></p>	<p><b>Amend clauses 188(29)(d) and 190(8)(c) by deleting the text, “converted dwelling”</b>  <b>Amend subclause 190(8)(c)(ii) by deleting it, in its entirety.</b></p>
<p><b>Exception 2195 – shift</b></p>	<p><b>Amend Exception</b></p>

<p>uses from Column V to Column III and clarification as to date of application Ward 15</p>	<p>2195 of Section 239 to delete all of the text in Column V and add the following text to Column III, “-any use lawfully established as of February 15, 2015</p>
<p>Parking exemptions in TM zones on Schedule 1 clarification Urban Wards</p>	<p>Amend subsection 197(14) by adding the text, “on Schedule 1A” immediately following the text, “Parking exemptions in the TM zone in Areas B, C and D”</p>
<p>MC16 Schedule Clarification Urban Wards</p>	<p>Amend clause 192(16)(c) by replacing the text, “on Attachment 2” with the text, “on Schedule XX3”.</p>

2. that there be no further notice pursuant to Subsection 34 (17) of the *Planning Act*.
3. That Planning 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 10 May 2017” subject to submissions received between the publication of this report and the time of Council’s decision.

Note: This report was also considered by the Agriculture and Rural Affairs Committee (ARAC) at its meeting on 4 May 2017. ARAC received no oral or written submissions. That committee CARRIED its allocation of the staff recommendations as presented.

**Effect of Submissions on Council Decision:** Council considered all written and oral submissions in making its decision, and CARRIED the recommendations, as amended by Planning Committee.