

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
14 June 2016 / 14 juin 2016**

**and Council
et au Conseil
22 June 2016 / 22 juin 2016**

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**Submitted by
Soumis par:**

**John L. Moser, Acting Deputy City Manager/directeur municipal adjoint par
intérim, Planning and Infrastructure/Urbanisme et Infrastructure**

Contact Person

Personne ressource:

**Steve Cripps, Director, Rail Implementation/Directeur, Mise en oeuvre du train
613-580-2424 x16623, Steve.Cripps@ottawa.ca**

Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2016-PAI-RIO-0002

**SUBJECT: CONFEDERATION LINE PROXIMITY STUDY FEES – ZONE OF
INFLUENCE**

**OBJET: FRAIS AFFÉRENTS À L'ÉTUDE DES LIGNES DIRECTRICES DE
PROXIMITÉ DE LA LIGNE DE LA CONFÉDÉRATION – ZONE
D'INFLUENCE**

REPORT RECOMMENDATION

**That Planning Committee recommend that Council approve the Proximity
Guideline Study Fees for the Confederation Line Stage 1 project as outlined in
this report and in Document 2.**

RECOMMANDATION DU RAPPORT

Que le Comité de l'urbanisme recommande au Conseil d'approuver les frais afférents à l'étude des lignes directrices de proximité de l'Étape 1 du projet de la Ligne de la Confédération, tels que décrits dans le présent rapport et dans le document 2.

BACKGROUND

Land use planning policy in Ontario is guided by the *Planning Act* and the Provincial Policy Statement. These policy documents encourage municipalities to prioritize public transit, and inherent in transit planning, is the requirement to protect this public infrastructure investment.

On January 22, 2014, City Council approved the Official Plan Amendment and Adoption of Confederation Line Proximity Study Guidelines Report, which identified a "Zone of Influence" to support the development and operation of the Confederation Line. The report included the following recommendation:

Approve the establishment of a Proximity Study fee to cover the City's review costs for the Confederation Line Proximity Study.

The Official Plan Amendment (OPA) outlines the limits of the Zone of Influence wherein development proposals initiated through the Site Plan and Subdivision process must provide technical information, confirming that there will be no negative effects on Confederation Line assets. Negative effects may include potential structural damage, restrictions to access, vibrations or any other influences to operations during and after construction.

In addition, the OPA includes policy requiring the submission of a study for projects proposed within a defined Zone of Influence indicating how the development supports the City's transit-oriented development objectives.

The current limits of the Confederation Line Zone of Influence refer to the Confederation Line (Stage 1), which extends 12.5 kilometres from Tunney's Pasture to Blair Station, including the downtown rail tunnel, as well as 13 stations and the maintenance and storage facility located on Belfast Road. The Zone of Influence limits were determined through a combination of factors, including surface and subsurface conditions, geotechnical, and hydro-geological environments. The Zone of Influence ranges in width from 42.3 metres to 137.2 metres, with the majority of the width being between 44 and 54 metres.

The purpose of the Proximity Guidelines, as outlined in Document 1 (Confederation Line Proximity Guidelines for Developers – Technical Requirements for Submissions of Proximity Studies) is to advise developers of the requirement to provide technical studies in support of their development submissions, allowing the City of Ottawa and the Light Rail constructor to evaluate and assess the impacts of any potential development in the vicinity of the Confederation Line. The guidelines focus on potential design, construction, property and operational conflicts.

DISCUSSION

Technical studies in support of development proposals must be submitted with any planning application within the Zone of Influence in order to ensure the City has sufficient information to properly assess potential impacts of the development project on Confederation Line assets and operations, while ensuring no undue negative impacts.

The nature of the technical studies required to be submitted will be identified at the time of pre-application consultation. Upon receipt of these studies, a comprehensive review will be conducted by the Rail Implementation Office (RIO) within the regular timelines of the development review process. The review will focus on identifying and addressing the impacts and issues related to design, construction, maintenance, property, safety, accessibility and environmental impacts. In some cases, this review may identify the need for the City to coordinate construction or operational activities with the proponent.

At the pre-application consultation stage for a site plan or plan of subdivision, City staff will use the Proximity Guidelines to determine the level of review.

- Level 1 -** Development within Development Zone of Influence, minimal impact on Confederation Line structures anticipated.
- Level 2 -** Development within Development Zone of Influence, substantial impact on Confederation Line structures anticipated.
- Level 3 -** Development within the Development Zone of Influence directly above or within approximately 1 m of a Confederation Line structure.

A screening checklist for developers is provided in Document 2 Proximity Guideline Studies and Schedule of Fees which outlines the various studies to be submitted for review by RIO and the Planning and Growth Management department (PGM) before approval of a development application. The studies required for submission are dependent on the level/category within the Zone of Influence and other site specific requirements.

O-Train System

The O-Train consists of the Confederation Line and Trillium Line, and will include the planned Stage 2 extensions to the east, west and south. To ensure that land use planning review of all future light rail infrastructure is consistent within the City, and to ensure regulatory planning initiatives are consistent with the City's strategic direction, an amendment is required to the Official Plan that will extend the application of the Proximity Guidelines and Zone of Influence to the entire O-Train system.

Staff will undertake the necessary legislative and corporate consultations with the community and technical agencies along the alignments identified for Stage 2 of the Confederation Line and Trillium Line prior to bringing forward to Council a request to amend the Official Plan.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

CONSULTATION

A series of information meetings have taken place with PGM's Development Review staff to confirm the process to implement the guidelines and address procedural and technical issues that may arise during the pre-consultation stage, as well as the registration of development agreements. RIO will follow-up with Development Review staff to ensure that the guidelines are implemented for applications within the Zone of Influence.

In addition, an information meeting with the Development Review Sub-Committee took place in March 2016, at which time RIO provided industry stakeholders with the recommendations and rationale for the Proximity Guidelines. This sub-committee is the City's window to the development industry and includes representatives from the Building Owners and Managers Association and Greater Ottawa Home Builders Association.

The information provided by RIO to the sub-committee highlighted that the use of these Proximity Guidelines should be part of the development review process and that the fee structure and technical checklist being used will ensure consistent and standard application of the Zone of Influence in the Official Plan.

Additionally, RIO and PGM have discussed the proposed Proximity Guidelines with a number of internal stakeholders, including Transit Services, Stage 2 Office, Infrastructure Services and Environmental Services.

Moving forward, the Stage 2 Office recognizes the current policies outlined in the Official Plan to establish and implement the Zone of Influence through the Proximity Guidelines. An Official Plan Amendment will be required to apply the policy and guidelines for the light rail expansion so that the Zone of Influence applies system-wide, and impacts to light rail infrastructure, land use planning, and regulatory planning initiatives are consistent with the City's strategic direction.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city wide report.

LEGAL IMPLICATIONS

There are no legal impediments to the adoption of the recommendation in this report.

The general establishment of a fee for a planning application is not subject to appeal to the Ontario Municipal Board. However, the application of fees with respect to a specific planning application can be appealed to the Board upon payment of the fee.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications.

FINANCIAL IMPLICATIONS

There are no financial implications as the proposed fee structure is revenue neutral.

ACCESSIBILITY IMPACTS

There are no accessibility implications associated with this report.

TERM OF COUNCIL PRIORITIES

The recommendations contained herein directly and indirectly support the following Priorities for the 2015-2018 Term of Council:

C1: Contribute to the improvement of my quality of life

TM1: Build a world class environmentally sustainable light rail transit system

TM5: Ensure reliable, safe, accessible and affordable transit services

SUPPORTING DOCUMENTATION

Document 1: Confederation Line Proximity Guidelines for Developers – Technical Requirements for Submissions of Proximity Studies

Document 2: Proximity Guideline Studies and Schedule of Fees

DISPOSITION

Following Committee and Council approval of this report, staff will prepare the amendments for the City of Ottawa's by-law fees.

Staff will proceed with an Official Plan Amendment extending the Zone of Influence and Proximity Guidelines to the entire O-Train system and ensure that the required legislative and corporate consultations with community and technical agencies for Stage 2 are fulfilled prior to advancing an OPA to Council for consideration.

Staff will also initiate discussions between City of Ottawa departments to continue to develop a centre of expertise within the City of Ottawa for review of development applications within the Zone of Influence.