

**Report to
Rapport au:**

**Council
Conseil**

27 September 2017 / 27 septembre 2017

**Submitted on September 22, 2017
Soumis le 22 septembre 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-0013

**SUBJECT: SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR
ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY
COUNCIL MEETING OF SEPTEMBER 13, 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 13 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 13, 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 13 septembre 2017, comme les décrit le présent rapport et qui sont joints à titre des 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 September 13, 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 – 6690 Mitch Owens Road (ACS2017-PIE-PS-0105)
2. Zoning By-law Amendment – 494 Lisgar Street (ACS2017-PIE-PS-0091)
3. Zoning By-Law Amendment – 124 Battersea Crescent (ACS2017-PIE-PS-0100)
4. Zoning By-Law Amendment – Amendments to Accommodate Reconstruction in Areas Affected by the May 2017 Flooding (ACS2017-PIE-EDP-0029)

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 13 septembre 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 – 6690, chemin Mitch Owens (ACS2017-PIE-PS-0105)
2. Modification au Règlement de zonage – 494, rue Lisgar (ACS2017-PIE-PS-0091)
3. Modification au Règlement de zonage – 124, croissant Battersea (ACS2017-PIE-PS-0100)
4. Modifications au Règlement de zonage – Modifications visant à permettre la reconstruction dans les zones affectées par les inondations de mai 2017– 3490, chemin Innes (ACS2017-PIE- EDP-0029)

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*:

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 September 13, 2017, considered four items that are subject to the Bill 73 'Explanation Requirements' described above. This item is as follows:

Agriculture and Rural Affairs Committee Report 27

- Zoning By-law Amendment – 6690 Mitch Owens Road (ACS2017-PIE-PS-0105)

Planning Committee Report 49A

- Zoning By-law Amendment – 494 Lisgar Street (ACS2017-PIE-PS-0091)
- Zoning By-Law Amendment – 124 Battersea Crescent (ACS2017-PIE-PS-0100) Planning Committee Report 50

Planning Committee Report 50

- Zoning By-Law Amendment – Amendments to Accommodate Reconstruction in Areas Affected By The May 2017 Flooding (ACS2017-PIE-EDP-0029)

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 – Zoning By-law Amendment – 6690 Mitch Owens Road (ACS2017-PIE-PS-0105)

Document 2 - Summary of Written and Oral Submissions -- Zoning By-law Amendment
– 494 Lisgar Street (ACS2017-PIE-PS-0091)

Document 3 - Summary of Written and Oral Submissions - Zoning By-Law Amendment
– 124 Battersea Crescent (ACS2017-PIE-PS-0100)

Document 4 – Summary of Written and Oral Submissions - Zoning By-Law Amendment
– Amendments to Accommodate Reconstruction in Areas Affected By The May 2017
Flooding (ACS2017-PIE-EDP-0029)

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 September 27, 2017.

SUMMARY OF WRITTEN AND ORAL SUBMISSIONS

ZONING BY-LAW AMENDMENT – 6690 MITCH OWENS ROAD (ACS2017-PIE-PS-0105)

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:** 0
- **Number of Submissions received between 31 August and 13 September 2017:**
1
- **Primary arguments in support:** This item was Carried on consent. No delegations spoke but the representative for the applicant was present.
- **Primary concerns and arguments in opposition:**
 - The applicant should be responsible for some sort of sound barrier, landscaping or fencing on the two sides that adjoin the properties.
 - It is also noted in the reading material that it be insured that nothing should affect well water.
- **Effect of Submissions on Committee Decision:**

Debate: No debate.

Vote: The Committee CARRIED this item on consent.

- **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 approve an amendment to Zoning By-law 2008-250 for 6690 Mitch Owens Road to permit a range of rural commercial uses as detailed in Document 2.

SUMMARY OF WRITTEN AND ORAL SUBMISSIONS

ZONING BY-LAW AMENDMENT – 494 LISGAR STREET (ACS2017-PIE-PS-0091)

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: 4**
- **Number of Submissions received between 15 August and 13 September 2017: 3**
- **Primary arguments in support:**
 - Derelict properties will be replaced. Currently, there are four separate buildings on the property, three of them are on the property lines. The new building will be set back from property lines.
 - This will be the first example of low-rise apartment building that is permitted along the street and the first step in an evolution of the neighbourhood.
 - This is 300 meters from a future rapid transit station, the development minimizes parking and exceeds bicycle parking requirements. The development is responding to the local context, which is also evolving.
 - This will be an improvement to parking conditions evident on the rest of the block. Currently many rear yards on the block are paved. This is an improvement because parking is underground and there is greenspace in the rear yard.
 - In order to do rear yard below-grade parking that is attached to the building, the rear yard setbacks need to be varied.
 - In this zone, there are variable setbacks related to height. If, hypothetically, the fourth storey was removed, then the building would be compliant with side yard setbacks. The fourth storey in and of itself is compliant with four storey setback requirements in this zone. It is only when you put the two together that the applicant is seeking relief from zoning requirements.
 - The applicants have brought the building materials more in line with the neighbourhood and made progress in addressing neighbours privacy concerns.

- The development is well received in the neighbourhood; if the development respects the zoning parameters then it would be even more well received and seen as “responsible intensification that respects the existing heritage character of Centertown neighbourhoods”.

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

- Concerns about zoning, this being the first infill development on this block.
- Concerns the four-storey building will change the character of the block, which currently, consists of low-rise single family dwellings.
- Building mass is too large for the size of the lot.
- There is too much density, which will result in increased traffic congestion and pressure for parking.
- The building will cause loss of: sunlight, privacy, and greenspace and will have noise impacts
- The proposed roof top patio is inconsistent with the existing character of the neighbourhood and was only being considered because the developer was not allowing the proper ratio of building to greenspace.
- Questions whether the development is consistent with City policies on protecting the environment and maintaining urban greenspaces.
- Concerns about setting precedents with respect to variance and zoning parameters.
- Concerns about the impact on existing property values
- Request for mitigation measures to address negative impacts, specifically with a focus on window placement, building materials and construction.

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

Debate: The Committee spent 38 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 an amendment, as follows:

WHEREAS Report ACS2017-PIE-PS-0091 includes Details of Recommended Zoning; and

WHEREAS Further review of grading details has revealed that the rear portion of the parking garage protrudes 0.6 metres above grade; and

WHEREAS this is considered part of the building for the purposes of determining setback requirements; and

WHEREAS staff have reviewed this proposed change to the zoning details and determined it is appropriate as it will not negatively impact the abutting properties;

THEREFORE BE IT RESOLVED that Council amend Document 2 of the report by removing the second bullet point under 2. b. "The minimum rear yard setback is 8.5 metres" and replacing it with the following bullet points:

“- the minimum rear yard setback is 0 metres for any part of the building 0.6 metres or less in height and 8.5 metres for any part of the building above 0.6 metres.

- required communal amenity area may be located on the roof of that part of the building measuring less than 0.7 metres in height.”

BE IT FURTHER RESOLVED THAT pursuant to Subsection 34(17) of the *Planning Act*, no further notice be given.

SUMMARY OF WRITTEN AND ORAL SUBMISSIONS**ZONING BY-LAW AMENDMENT – 124 BATTERSEA CRESCENT
(ACS2017-PIE-PS-0100)**

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 15 August and 13 September 2017:** 6
- **Primary arguments in support:**
 - The zoning application is only requesting a change to the density provision on the site to allow for the intended medium intensity. Previous concerns about servicing issues have been addressed so there is no need for the current density cap.
 - The application before the committee concerns only a request to allow for additional units to maximize the opportunity available through the infrastructure. The application is not meant to address concerns regarding built form, height of building, overlook, and privacy.
 - The site is located between two parks and some outdoor amenity space will also be provided, including a grassy area and landscaping.
 - The rooftop amenity area overlooks parking, away from nearby residences.
- **Primary concerns and arguments in opposition:**
 - The proposal is not consistent with the stated goal of locating higher density residential development near amenities.
 - The development is not compatible with existing character of the area, which is a high-end low-density residential community. It's an odd juxtaposition, an 'urban' apartment in a 'suburban' neighbourhood.
 - There are enough apartment buildings in the neighbourhood and more apartments are not needed.

- The development is too close to existing houses and there is little physical or visual separation.
- The building will be at the top of Richardson Ridge and it will tower over the tranquil Kanata Lakes neighbourhood, which may not be an appropriate neighbourhood landmark
- The development is a radical change from the luxury condos proposed earlier and neighbours did not envision or buy into this type of community.
- The proposed density is too great for a small lot and no rationale for the unit increase has been provided. A neighbourhood petition to reduce the number of units by 34 was circulated and signed by approximately 200 residents.
- The proximity of a high density building next to low density dwellings will decrease the property values of nearby homes and result in a loss of safety and privacy for nearby residents.
- The development will negatively impact the quality of life of nearby residents and make them feel uncomfortable using their rear yards.
- A sunlight/shade study should be conducted to assess impacts on nearby properties
- The following mitigation measures should be put in place: the removal of all north-facing balconies; replacement of glass along the north facing roof-top patio with frosted glass or masonry; replacement of balcony walls with frosted glass or masonry; increase to the rear yard setback on north side of building and coniferous trees to be planted on the north-face of the building; sound proofing insulation on the exterior wall of the building.
- The proposal does not provide a balance of housing types and tenures and there is no guarantee this development will create affordable housing.
- Concerns about landscaping because the increased size of building will not permit trees to be planted along the north side of the building facing the recreational pathway; therefore, there will be less privacy for pedestrians and neighbouring homeowners. The aesthetic of the development will be reduced without the trees.
- Construction of underground parking will require blasting, which could result in damage to the foundation of neighbouring properties and increased noise levels.

- Concerns that the proposed development is not an appropriate infill for this site and that residents were not informed earlier about the intent to request a zoning bylaw change. Neighbours would like the zoning bylaw amendment to be placed on hold until all the information has been amalgamated.
- The development does not support the local economy; the developer is based in Quebec and has not made any guarantees to hire construction workers or source materials from Ontario.
- Concerns about ensuring the proper construction of the balconies, based on a balcony collapse that occurred at one of the developers' other construction sites.

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

Debate: The Committee spent one hour and nine 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 – AMENDMENTS TO ACCOMMODATE RECONSTRUCTION IN AREAS AFFECTED BY THE MAY 2017 FLOODING (ACS2017-PIE-EDP-0029)

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: 0**
- **Number of delegations at Planning Committee: 1**
- **Number of Submissions received by Agriculture and Rural Affairs Committee between 5 and 13 September 2017: 0**
- **Number of Submissions received by Planning Committee between 31 August and 13 September 2017: 0**
- **Primary arguments in support at Agriculture and Rural Affairs Committee:** (not applicable)
- **Primary arguments in support at Planning Committee:** (not applicable)
- **Primary concerns and arguments in opposition at Agriculture and Rural Affairs Committee:** (not applicable)
- **Primary concerns and arguments in opposition at Planning Committee:**
 - Delegate indicated that a specific property owner's information may have been obtained from the City without the property owner's consent, and requested removal of that property from the report.
- **Effect of Submissions on Agriculture and Rural Affairs Committee Decision:**

Debate: The Committee spent three minutes on this item

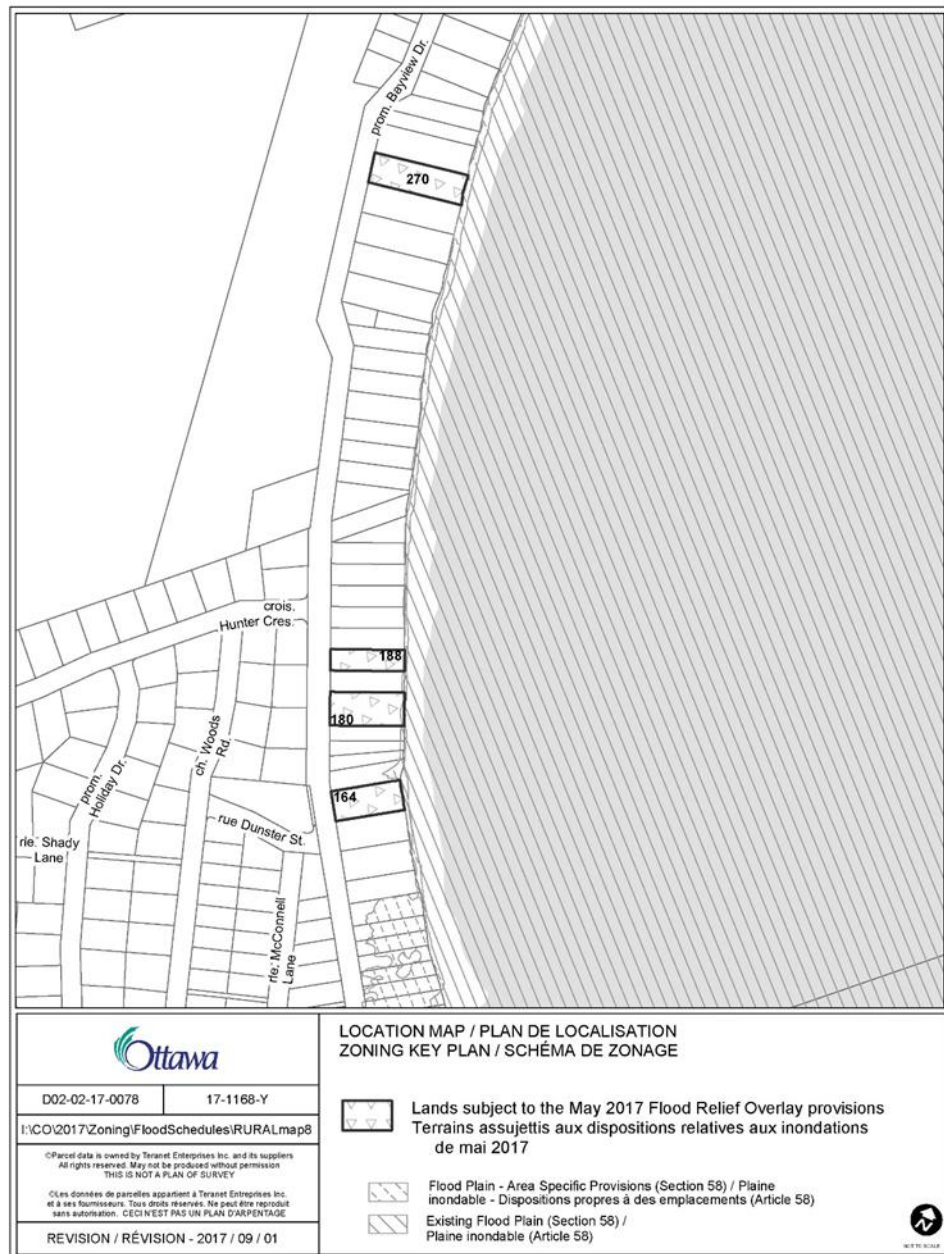
Vote: The Committee CARRIED this item with the following amendment:

WHEREAS Report ACS2017-PIE-EDP-0029 recommends zoning amendments to provide relief to property owners affected by the May 2017 flood;

AND WHEREAS an additional property located at 180 Bayview Drive has been identified that should be subject to the Flood Relief Overlay provisions;

THEREFORE BE IT RESOLVED that map 8 of Document 1 of the report be replaced with the attached map which includes 180 Bayview Drive, and;

BE IT FURTHER RESOLVED that there be no further notice pursuant to Section 34 (17) of the *Planning Act*.



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

Debate: The Committee spent six minutes on this item

Vote: The Committee CARRIED this item with the following amendments:

Amendment 1

That 2916 Haughton Avenue be removed from report ACS2017-PIE-EDP-0029.

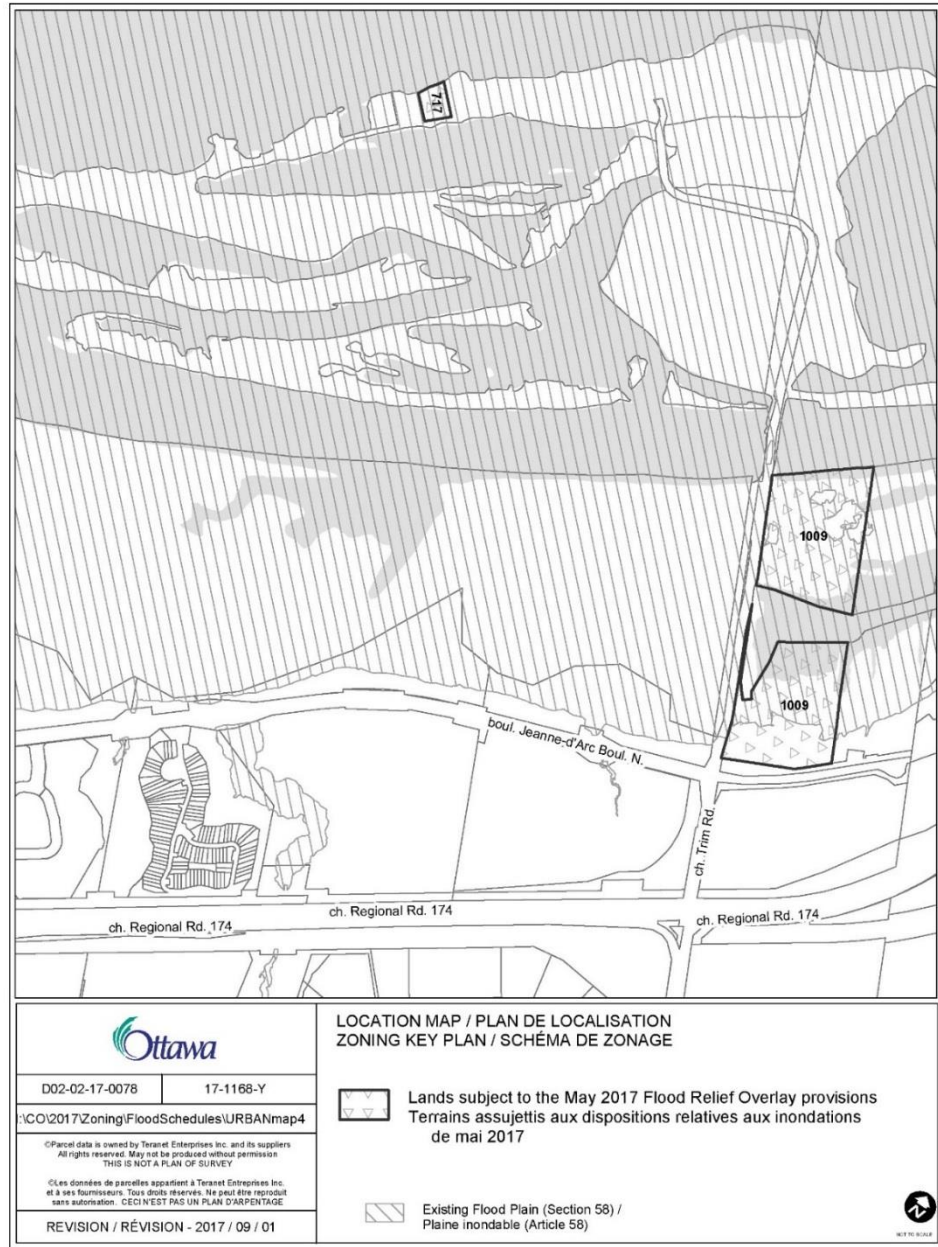
Amendment 2

WHEREAS Report ACS2017-PIE-EDP-0031 recommends zoning amendments to provide relief to property owners affected by the May 2017 flood;

AND WHEREAS an additional property located at 1009 Trim Road has been identified that should be subject to the Flood Relief Overlay provisions;

THEREFORE BE IT RESOLVED that map 4 of Document 2 of the report be replaced with the attached map which includes 1009 Trim Road, and;

That there be no further notice pursuant to Subsection 34 (17) of the *Planning Act*.



- **Effect of Submissions to both committees on Council Decision:**

Council considered all written and oral submissions in making its decision, and CARRIED this item as amended by both committees.