

**Report to  
Rapport au:**

**Council  
Conseil**

**14 February 2018 / 14 février 2018**

**Submitted on February 9, 2018  
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**Submitted by  
Soumis par:**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2018-CCS-OCC-0002**

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to  
the *Planning Act* 'Explanation Requirements' at the City Council Meeting of January  
31, 2018**

**OBJET : Résumé des observations orales et écrites du public sur les questions  
assujetties aux exigences d'explication aux termes de la *Loi sur l'aménagement du  
territoire* à la réunion du Conseil du 31 janvier 2018.**

## **REPORT RECOMMENDATION**

**That Council approve the Summaries of Oral and Written Public Submissions for  
items considered at the City Council Meeting of January 31, 2018 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.**

## **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 31 janvier 2018, comme les décrit le présent rapport et qui sont joints à titre des 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 January 31, 2018, City Council considered three planning applications for which written and/or oral submissions were received after publication of the staff report:

1. By-Law – 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue (ACS2017-PIE-PS-0019)
2. Official Plan and Zoning By-Law Amendment – 1026, 1038, 1040, 1050 And 1054 Hunt Club Road (ACS2017-PIE-PS-0013)
3. Zoning By-Law Amendment – 737 Silver Seven Road and 15 Frank Nighbor Place (ACS2018-PIE-PS-0012)

A 'Summary of Written and Oral Submissions' for this 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 31 janvier 2018, le Conseil municipal a examiné trois demandes d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Règlement Municipal – 325, 327 et 333, chemin de Montréal, 334, rue Montfort et 273, avenue Ste-Anne (ACS2017-PIE-PS-0019)
2. Modification au Plan Officiel et au Règlement de Zonage – 1026, 1038, 1040, 1050 et 1054 chemin Hunt Club (ACS2017-PIE-PS-0013)
3. Modification au Règlement de zonage – 737, chemin Silver Seven et 15, place Frank-Nighbor (ACS2017-PIE-PS-012)

Un « Résumé des observations orales et écrites » pour cette demande 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

Subsections	Related Matters
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 June 22, 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 January 31, 2018, considered three items subject to the Bill 73/ *Planning Act* 'Explanation Requirements' described above. These items are as follows:

### **Planning Committee Report 57**

1. By-Law – 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue (ACS2017-PIE-PS-0019)
2. Official Plan and Zoning By-Law Amendment – 1026, 1038, 1040, 1050 And 1054 Hunt Club Road (ACS2017-PIE-PS-0013)
3. Zoning By-Law Amendment – 737 Silver Seven Road and 15 Frank Nighbor Place (ACS2018-PIE-PS-0012)

## **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 - By-Law – 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue (ACS2017-PIE-PS-0019)

Document 2 – Summary of Written and Oral Submissions - Official Plan and Zoning By-Law Amendment – 1026, 1038, 1040, 1050 And 1054 Hunt Club Road (ACS2017-PIE-PS-0013)

Document 3 – Summary of Written and Oral Submissions - Zoning By-Law Amendment –  
737 Silver Seven Road and 15 Frank Nighbor Place (ACS2018-PIE-PS-0012)

**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 14, 2018.

### Summary of Written and Oral Submissions

#### **BY-LAW – 325, 327, AND 333 MONTREAL ROAD, 334 MONTFORT STREET AND 273 STE. ANNE AVENUE (ACS2018-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: 5**
- **Number of Submissions received by Planning Committee between January 16 and January 31, 2018: 6**
- **Primary arguments in support**
  1. The applicant does not intend to appeal the 801m<sup>2</sup> size restriction that Council approved with respect to the shelter component of the proposed facility but does not agree to any amendment to the zoning by-law to restrict the number of shelter beds
- **Primary concerns and arguments in opposition**
  1. There is no clear indication of a bed cap number per square footage in the proposed emergency shelter so there could be many more beds than the 140 that was previously discussed; the by-law should be worded such that an application for variance not permit exceedance of 140 short-term stay/emergency shelter beds
  2. The text of the proposed by-law is insufficient to fulfill City Council motion 61/6 of November 22, 2017
  3. The report provides an incorrect description and location map for the property
  4. There has been no signage on the properties on Ste. Anne Avenue, which constitutes a lack of proper public notification
- **Effect of Submissions on Planning Committee Decision:**

Debate    The Committee spent one hour and six minutes on this item.

Vote:      The staff recommendations CARRIED as presented. With the following direction to staff:

*That staff be directed to investigate, and follow up prior to consideration of this item by Council on 31 January 2018, whether*



*there are any existing regulations or legal mechanisms that would dictate the number of beds permitted per square footage in an emergency shelter, including whether there are any site plan approval mechanisms that could be applied in this regard.*

- **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 presented.

### Summary of Written and Oral Submissions

#### OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT – 1026, 1038, 1040, 1050 AND 1054 HUNT CLUB ROAD (ACS2018-PIE-PS-0013)

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: 7**
- **Number of Submissions received by Planning Committee between January 16 and January 31, 2018: 8**
- **Primary arguments in support**
  1. The applicant articulated suitability based on site context
- **Primary concerns and arguments in opposition**
  1. Increased traffic that will overburden an already congested area that is operating at capacity during peak hours with a failing Level of Service; this will add additional safety risks, the more so if an apartment complex is built instead of a hotel
  2. Approval should be delayed pending an independent study of the area traffic and environment
  3. The proposed building height is greater than that of surrounding buildings and exceeds current zoning
  4. The proposed hotel and retirement home will house transient residents, who will not typically use the transit station or contribute to the pride of the community; these are not compatible or harmonious uses with the existing residential neighbourhood
  5. There should be a greater focus on tree retention
  6. There would be a loss of privacy and a shadowing impact on neighbouring properties
  7. The development will impact the ability for neighbouring homes to undertake certain environmental initiatives due to shadowing
  8. There would be increased safety concerns for pedestrians
  9. The proposed development will add cost and delays to planned transportation network projects

10. An Environmental Assessment should be conducted to study the inclusion of this development location in the widening of the airport parkway

11. The interests of area residents would be better served if the site were developed as an urban park

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

Debate The Committee spent one hour and 32 minutes on this item.

Vote: The Committee CARRIED the report recommendation with an amendment to Document 3 to make a change to the zoning provisions to give flexibility to the development, should the proposed hotel building be replaced by a residential apartment building, as follows:

**That Planning Committee recommend Council approve:**

**a. an amendment to the Official Plan, Volume 2a, Former Ottawa, 4.0 – Hunt Club, by incorporating site specific policies for 1026, 1038, 1040, 1050 and 1054 Hunt Club Road relating to permitted residential, institutional and commercial uses as detailed in Document 2;**

**b. an amendment to the Zoning By-law 2008-250 for 1026, 1038, 1040, 1050 and 1054 Hunt Club Road to introduce a General Mixed Use zone along with building heights up to 26 metres and reduced parking rate for the construction of a retirement residence building and a hotel building, as detailed in Document 2;**

**c. that Document 3, Details of Recommended Zoning of Report ACS2018-PIE-PS-0013 be amended by adding the following text after Section 2. c.**

**d. That a holding provision be added to the zoning, permitting the hotel, but restricting residential use for the proposed apartment area, to be lifted subject to acceptance of a traffic study for the apartment confirming no adverse impacts in the operation of the road network, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development; and**

**d. that there be no further notice pursuant to Sub-section 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 the Planning Committee.

### Summary of Written and Oral Submissions

#### ZONING BY-LAW AMENDMENT – 737 SILVER SEVEN ROAD AND 15 FRANK NIGHBOR PLACE (ACS2018-PIE-PS-0012)

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 by Planning Committee between January 16 and January 31, 2018: 1**
- **Primary arguments in support:** None received
- **Primary concerns and arguments in opposition:** The terms of Document 2 (Details of Recommended Zoning) are not fully consistent with an existing cost-sharing agreement between the former subject property (737 Silver Seven Road and 15 Frank Nighbor Place) owner and the owner of 720 Silver Seven Road. Said agreement was entered into following an Ontario Municipal Board hearing and decision on the subject property and should apply, regardless of whether it is still registered.
- **Effect of Submissions on Planning Committee Decision:**

Debate: The Committee spent two minutes on this item.

Vote: Planning Committee CARRIED the report recommendation as presented with an amendment to the permitted size for Place of Worship as a permitted use, as follows:

**That Planning Committee recommend Council approve:**

- a. **an amendment to Zoning By-law 2008-250 for 737 Silver Seven Road and 15 Frank Nighbor Place to permit retail uses, as detailed in Document 2;**
- b. **that Place of Worship as a permitted use be limited to 500 square metres; and**
- c. **that there be no further notice pursuant to Sub-section 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 Planning Committee