



## Planning Committee

### Minutes 57

Tuesday, 23 January 2018

9:30 a.m.

Champlain Room, 110 Laurier Avenue west

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- Notes:*
- 1. Please note that these Minutes are to be considered DRAFT until confirmed by Committee.*
  - 2. Underlining indicates a new or amended recommendation approved by Committee.*
  - 3. Except where otherwise indicated, reports requiring Council consideration will be presented to Council on 31 January 2018 in Planning Committee Report 57.*

**Present:** Chair: Councillor J. Harder  
Vice-chair: Councillor T. Tierney  
Councillors: S. Blais, R. Brockington, R. Chiarelli, J. Cloutier,  
A. Hublely, J. Leiper, T. Nussbaum, S. Qadri

At the outset of the meeting the, the Chair advised of a new agenda process going forward for 2018, whereby the Zoning and Official Plan Amendment reports for a given Planning Committee agenda would be posted to the City's website 10 days in advance of the committee meeting, followed by posting of the complete and final agenda seven days in advance of the meeting. The Agriculture and Rural Affairs Committee will follow the same process, which will be reviewed in the next City Council Governance process.

The Chair also highlighted 2018 workplan items expected to come before the committee in the year ahead.

#### STATEMENT PURSUANT TO THE PLANNING ACT FOR MATTERS SUBMITTED POST JANUARY 1, 2007

The Chair read a statement required under the *Planning Act* explaining that this was a public meeting to consider the proposed Official Plan and Zoning By-law Amendments listed as Agenda Items 1, 2, 3, 4, 7 and 8 on today's agenda.

She advised anyone intending to appeal the proposed amendment to the Ontario Municipal Board (OMB) that they must either voice their objections at the meeting or submit comments in writing prior to the amendment being adopted by City Council. The Chair noted that applicants could appeal this matter to the OMB if Council did not adopt an amendment within 120 days of receipt of an application for Zoning and 180 days for an Official Plan Amendment.

A comment sheet was available at the door for anyone wishing to submit written comments on these amendments.

#### DECLARATIONS OF INTEREST

See specific Agenda Item for declaration: Item 2 of the Planning Committee Agenda (By-Law – 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue).

#### CONFIRMATION OF MINUTES

Minutes 56 - 12 December 2017

CONFIRMED

Prior to consideration of the agenda, Vice-chair Tierney moved the following motion to add an item for discussion at today's meeting.

**Motion N° PLC 57/1**

Moved by Councillor T. Tierney

**WHEREAS the Ontario Ministry of Municipal Affairs and Housing published proposed regulations on December 18, 2017 related to inclusionary zoning and is seeking public comments by February 1, 2018; and**

**WHEREAS staff have reviewed the proposed regulation with a lens on providing Council with the flexibility it needs to make decisions regarding how to best use the inclusionary zoning provisions to make material improvements in Ottawa's affordable housing stock, and have crafted a motion for Council's consideration in that regard; and**

**WHEREAS Council is scheduled to meet on January 31, 2018; and**

**WHEREAS introducing notice of this matter at today's Planning Committee meeting would allow time for review, comment and potential revision prior to consideration by Council on January 31st;**

**THEREFORE BE IT RESOLVED that the Planning Committee approve the addition of this Item to the agenda for consideration by the Committee at the 23 January 2018 meeting, pursuant to Section 89(3) of the Procedure By-Law.**

CARRIED

The item was considered after all other business was concluded and is set out as #12, under 'Other Business – Additional Item', below.

**PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**ECONOMIC DEVELOPMENT AND LONG RANGE PLANNING**

1. OFFICIAL PLAN AND ZONING AMENDMENTS –ROCHESTER FIELD  
ACS2018-PIE-EDP-0001 KITCHISSIPPI (15)
- 

**REPORT RECOMMENDATIONS**

1. That Planning Committee recommend Council:
  - a. adopt the Official Plan amendment to re-designate part of Rochester Field as General Urban Area as detailed in Document 1; and
  - b. pass the Zoning By-law amendment to rezone two sites in Rochester Field and fronting Richmond Road in a Traditional Mainstreet TM [xxx] – h zone and rezone the balance of Rochester Field to a Park and Open Space O1[xxx] as detailed in Document 2.
2. 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 31 January 2018," subject to submissions received between the publication of this report and the time of Council's decision.

Bruce Finlay, Planner, Planning, Infrastructure and Economic Development (PIED) department, provided a PowerPoint presentation, a copy of which is held on file. He was accompanied by Alain Miguez, Program Manager, Community Planning, PIED. Tim Marc, Senior Legal Counsel, Planning, Development and

Real Estate, Office of the City Clerk and Solicitor, also commented on the legal implications in terms of proposed transitional regulation under Bill 139.

The following staff also responded to questions: John Smit, Director, Economic Development and Long Range Planning, PIED, and Chris Swail, Director, O-Train Planning, Transportation Services department.

The committee heard 10 delegations on this matter. The following delegations spoke in opposition to the proposal or with concerns:

- \*Julia Clarkson
- \*Rich Brandau
- \*Gary Ludington, Westboro Community Association
- Paul Pearl
- \*Chris Hircock
- \*Julie Pandeya
- \*Dan O'Hagan and Sybil Powell, McKellar Park Community Association
- \*David Broscoe
- \*Diana Partridge

*[\* Individuals / groups marked with an asterisk above provided written comments; all submissions are held on file with the City Clerk.]*

The primary arguments and concerns against the proposal included (but were not necessarily limited to):

- Loss of open, accessible and inviting greenspace that is well used by the community
- Loss of link from Richmond Road to the Parkway and the river
- Loss of sightlines to the river
- Loss of historical use and heritage aspect of the field/park

- Excessive building height and proposed change in zoning does not fit the surrounding character
- Traffic impact
- Lack of consultation on the proposed plan
- Approval of this proposal could set a precedent for future building heights
- The northeast corner of the site would be the better location for development, being close to the transitway, as well as existing high-rise and commercial buildings
- The City is not obligated to approve the requested zoning changes and the proposal should be delayed for community consultation
- The zoning amendment is premature without any site plan proposal

The following delegation spoke in support of the proposal:

- Mark Kwiecinski, Condominium Board, 485 Richmond

The primary arguments and concerns in support of the proposal included (but were not necessarily limited to):

- The field is not as well-used by the community other than as a dog path or thoroughfare
- Many residents in the community support development of the land
- The portion of the field that is to be developed is too close to Richmond Road to safely enjoy as community greenspace
- There would probably be more community use of the land if part of the field was converted to a more manicured linear park with benches

Lucie Bureau, Chief, Planning and Transportation, National Capital Commission, was also present and responded to a question from Committee.

In addition to the correspondence noted with an asterisk, above, the committee received the following correspondence between 16 January 2018 (the date the report was published in the committee agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held

on file:

- Comments dated January 18, 2018 from Jane and Keith Horner
- Comments dated January 21, 2018 from Bruce Bowie
- Comments dated January 22, 2018 from Graham Jeffery, on behalf of Cynthia Jeffery
- Comments dated January 22, 2018 from Carolyn Chalupka
- Comments dated January 22, 2018 from Greg Almond and Isabelle Catelas
- Comments dated January 23, 2018 from Heather Mitchell

The report recommendations, as set out below, were put to Committee.

1. **That Planning Committee recommend Council:**
  - a. **adopt the Official Plan amendment to re-designate part of Rochester Field as General Urban Area as detailed in Document 1; and**
  - b. **pass the Zoning By-law amendment to rezone two sites in Rochester Field and fronting Richmond Road in a Traditional Mainstreet TM [xxx] – h zone and rezone the balance of Rochester Field to a Park and Open Space O1[xxx] as detailed in Document 2.**
2. **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 31 January 2018,” subject to submissions received between the publication of this report and the time of Council’s decision.**

CARRIED on a division of 6 yeas and 4 nays, as follows:

YEAS (6): Councillors S. Blais, R. Brockington, T. Nussbaum, S. Qadri, Vice-chair T. Tierney, Chair J. Harder

NAYS (4): Councillors R. Chiarelli, J. Cloutier, A. Hubley, J. Leiper

#### DIRECTION TO STAFF

That staff be directed to review the Details of Recommended Zoning (Document 2) and bring forward a motion at Council on 31 January 2018 to make the necessary clarifications with respect to setbacks and retention of mature vegetation.

#### PLANNING SERVICES

2. BY-LAW – 325, 327, AND 333 MONTREAL ROAD, 334 MONTFORT STREET AND 273 STE. ANNE AVENUE
- ACS2018-PIE-PS-0019 RIDEAU-VANIER (12)
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#### REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve the specific criteria for consideration of an application for minor variance by the Committee of Adjustment for 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue as detailed in Document 2.
2. 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 31 January 2018," subject to submissions

**received between the publication of this report and the time of Council's decision.**

#### DECLARATION OF INTEREST

Councillor Rick Chiarelli declared a potential, deemed indirect pecuniary interest on Item 2 of Planning Committee Agenda 57 - *By-Law – 325, 327, and 333 Montreal Road, 334 Montfort Street and 273 Ste. Anne Avenue (ACS2018-PIE-PS-0019)* - as his daughter is employed by the Shepherds of Good Hope, an organization that is within the same funding bracket as the Salvation Army (the applicant concerned in the report mentioned herein), and could see its operations effected by changes associated with this application, should it proceed.

Councillor Chiarelli did not take part in the discussion or vote on this item.

The following staff responded to questions:

- Planning, Infrastructure and Economic Development department: Erin O'Connell, Planner; Doug James, Manager, Development Review – Central; Lee Ann Snedden, Director, Planning Services
- Office of the City Clerk and Solicitor – Legal Services: Christine Enta, Legal Counsel; Tim Marc, Senior Legal Counsel-Planning, Development and Real Estate.

Ward Councillor M. Fleury was also present and participated in discussion of the item.

The committee heard five delegations on this matter. The following delegations spoke in opposition or with concerns:

- \*Drew Dobson, SOS Vanier
- Bryan Murray
- \*Philippe Denault, SOS Vanier

*[\* Individuals / groups marked with an asterisk above provided written comments; all submissions are held on file with the City Clerk.]*

The primary arguments and concerns against the report recommendations

included (but were not necessarily limited to):

- 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 text of the proposed by-law is insufficient to fulfill City Council motion 61/6 of November 22, 2017
- The report provides an incorrect description and location map for the property
- There has been no signage on the properties on Ste. Anne Avenue, which constitutes a lack of proper public notification

The following delegations were present to represent the applicant and respond to questions:

- Ursula Melinz, Soloway Wright, LLP
- Miguel Tremblay, FoTenn Consultants.

In addition to the correspondence noted with an asterisk, above, the committee received the following correspondence between 16 January 2018 (the date the report was published in the committee agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held on file:

- Comments dated January 22, 2018 from Michael S. Polowin, Gowling WLG on behalf of: Shelter Canadian Properties Limited; 3920305 Canada inc. o/a Finnigan's Pub; 6118887 Canada Inc.; Brothers Real Estate Ltd.; Claude Thivierge; 291 Olmstead Corp.; and, McConville Garage Ltd., 1270349 Ontario Inc., and Bruce McConville
- Comments dated January 22, 2018 from Martin Laplante
- Comments dated January 22, 2018 from Faith Blacquiere.

The report recommendations were put to Committee and 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.

3. OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT – 1026, 1038, 1040, 1050 AND 1054 HUNT CLUB ROAD

ACS2018-PIE-PS-0013

RIVER (16);  
GLOUCESTER-SOUTHGATE (10)

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#### REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council:
  - a. approve 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; and,
  - b. approve 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.
2. 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 31 January 2018," subject to submissions

**received between the publication of this report and the time of Council's decision.**

Prior to hearing public delegations, Vice-chair Tierney and Councillor R. Brockington introduced motions they proposed to move, as follows:

Vice-chair T. Tierney:

*WHEREAS Report ACS2018-PIE-PS-0013 recommends zoning changes to the lands known municipally as 1026, 1038, 1040, 1050 and 1054 Hunt Club Road; and*

*WHEREAS it has been deemed advisable 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 instead;*

*THEREFORE BE IT RESOLVED that Document 3, Details of Recommended Zoning of Report ACS2018-PIE-PS-0013 be amended by adding the following text to Section 2. c.:*

*v. The minimum rear yard setback for an apartment dwelling is 3 metres.*

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

Councillor R. Brockington

*BE IT RESOLVED THAT Document 3 – Details of Recommended Zoning be amended to reduce the recommended maximum permitted height from 26 metres to 20 metres, such that both buildings cannot exceed 6 storeys; and*

*BE IT FURTHER RESOLVED that any further details in Document 3 be revised to implement the recommended 6 storey development;*

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

The following staff responded to questions:

- Planning, Infrastructure and Economic Development department: Jean-Charles Renaud, Planner; Don Herweyer, Manager, Development Review -

South; Lee Ann Snedden, Director, Planning Services

- Office of the City Clerk and Solicitor – Legal Services: Christine Enta, Legal Counsel
- Transportation Services department: Colin Simpson, Program Manager, Transportation Engineering Services.

Ward Councillor D. Deans was also present and participated in discussion of the item.

The committee heard seven delegations on this matter. The following delegations spoke in opposition or with concerns:

- \*Peter Brimacombe, Secretary, Hunt Club Community Organization
- \*Barb Shea
- \*John Sankey
- \*Mildred Beechey
- Paul Norris, President, Hunt Club Park Community Association
- \*Rosemary Clarke

*[\* Individuals / groups marked with an asterisk above provided written comments; all submissions are held on file with the City Clerk.]*

The primary arguments and concerns against the proposal included (but were not necessarily limited to):

- Increased traffic that will overburden an already congested area and pose additional safety risks, the more so if an apartment complex is built instead of a hotel
- The proposed building height is greater than that of surrounding buildings
- There should be a greater focus on tree retention
- There would be a loss of privacy and a shadowing impact on neighbouring properties
- The development will impact the ability for neighbouring homes to undertake

certain environmental initiatives due to shadowing

- There would be increased safety concerns for pedestrians
- An Environmental Assessment should be conducted to study the inclusion of this development location in the widening of the airport parkway

The following delegations were present to represent the applicant and respond to questions:

- Stephanie Morris-Rashidpour, MCIP RPP, FoTenn, and Jennifer Luong (Transportation Consultant).

In addition to the correspondence noted with an asterisk, above, the committee received the following correspondence between 16 January 2018 (the date the report was published in the committee agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held on file:

- Comments dated January 22, 2018 from Christine Johnson, Past President, Hunt Club Community Organization
- Comments received January 23, 2018 (via the office of Councillor D. Deans) from Sean Najmi.

Following discussion, Vice-chair Tierney withdrew the motion he had previously introduced and put forward the following:

**Motion N° PLC 57/2**

Moved by Councillor T. Tierney

**WHEREAS Report ACS2018-PIE-PS-0013 recommends zoning changes to the lands known municipally as 1026, 1038, 1040, 1050 and 1054 Hunt Club Road; and**

**WHEREAS it has been deemed advisable 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 instead;**

**THEREFORE BE IT RESOLVED 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.**

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

CARRIED

Councillor Brockington proceeded with his previously introduced motion, as follows:

**Motion N° PLC 57/3**

Moved by Councillor R. Brockington

**BE IT RESOLVED THAT Document 3 – Details of Recommended Zoning be amended to reduce the recommended maximum permitted height from 26 metres to 20 metres, such that both buildings cannot exceed 6 storeys; and**

**BE IT FURTHER RESOLVED that any further details in Document 3 be revised to implement the recommended 6 storey development;**

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

LOST, on a division of 2 yeas and 8 nays, as follows:

YEAS Councillors R. Brockington, R. Chiarelli  
(2):

NAYS Councillors S. Blais, J. Cloutier, A. Hubley, J. Leiper, T. Nussbaum,  
(8): S. Qadri, Vice-chair T. Tierney, Chair J. Harder

The report recommendations, as amended by Motion 57/2 and set out in full below, were put to Committee.

- 1. 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*.
2. 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 31 January 2018," subject to submissions received between the publication of this report and the time of Council's decision.

CARRIED with Councillor R. Brockington dissenting

4. ZONING BY-LAW AMENDMENT – 737 SILVER SEVEN ROAD AND 15 FRANK NIGHBOR PLACE

ACS2018-PIE-PS-0012

KANATA SOUTH (23)

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**REPORT RECOMMENDATIONS**

1. **That Planning Committee recommend Council approve 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.**
2. **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 31 January 2018,” subject to submissions received between the publication of this report and the time of Council’s decision.**

The committee did not hear any delegations on this item.

Jaime Posen, FoTenn Consultants Inc. (applicant), was present in support and to answer questions if needed.

In addition to the correspondence noted with an asterisk, above, the committee received the following correspondence between 16 January 2018 (the date the report was published in the committee agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held on file:

- Comments dated January 22, 2018 from Michael Bowman, Osler, Hoskin & Harcourt LLP, on behalf of PCM Kanata South Inc.

**Motion N° PLC 57/4**

Moved by Councillor A. Hubley

**WHEREAS the proposal for the zoning bylaw amendment for 737 Silver Seven/15 Frank Nighbor includes the addition of Place of Worship; and,**

**WHEREAS Silver Seven/Frank Nighbor already experience high levels of traffic due to the large format retail establishments; and,**

**WHEREAS a large Place of Worship may contribute to these traffic concerns;**

**THEREFORE BE IT RESOLVED Planning Committee recommend Council approve that the addition of Place of Worship as a permitted use be limited to 500 square metres.**

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

CARRIED

The report recommendations, as amended by the Hubley motion and set out in full below, were put to Committee:

1. 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*.
2. 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 31 January 2018,” subject to submissions received between the publication of this report and the time of Council’s decision.**

CARRIED

5. FRONT-ENDING REPORT- STORMWATER MANAGEMENT PONDS 1 AND 2, LEITRIM ROAD STORM DRAINAGE SYSTEM, NORTH-SOUTH SWALE AND OVERSIZED TRUNK STORM SEWERS IN LEITRIM COMMUNITY

ACS2018-PIE-PS-0005

OSGOODE (20) GLOUCESTER-  
SOUTH NEPEAN (22)

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*This report will be presented to Council on 14 February 2018 in Planning Committee Report 57A*

#### **REPORT RECOMMENDATIONS**

**That Planning Committee recommend Council:**

1. **approve the adoption of the Leitrim Area Specific Stormwater Background Study for Leitrim Stormwater Facilities-Update (Document 1);**
2. **approve the enactment of the Leitrim Area Specific Stormwater By-law in the general form attached as Document 2;**
3. **authorize the City to enter into a Front-Ending Agreement with Urbandale Corporation, to an upset limit of \$6,227,707 plus applicable taxes and applicable indexing, to enable the land acquisition, design and construction of Pond 1 Expansion in accordance with the Front-Ending Agreement framework or principles in Document 4 and the Council approved Front-Ending Policy set out in Document 6, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department and the City Clerk and Solicitor;**
4. **authorize the expenditure of \$6,227,707 plus applicable taxes and**

- applicable indexing, for the land acquisition, design and construction of the Stormwater Management Pond 1 Expansion;
5. authorize the City to enter into a Front-Ending Agreement with Barrett Co Tenancy, to an upset limit of \$18,284,736 plus applicable taxes and applicable indexing, to enable the land acquisition, design and construction of Pond 2 in accordance with the Front-Ending Agreement framework or principles in Document 5 and the Council approved Front-Ending Policy set out in Document 6, to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department and the City Clerk and Solicitor;
  6. authorize the City to enter into Subdivision Agreements, which provide for the repayment of development charges eligible for Over-sized Trunk Storm Sewers tributary to Pond 2 to an upset limit of \$4,313,000 plus applicable taxes and applicable indexing in accordance with the Front-Ending Agreement framework or principles in Document 5 and the Council approved Front-Ending Policy set out in Document 6;
  7. authorize the City to enter into Subdivision Agreements, which provide for the repayment of development charges eligible for Over-sized Trunk Storm Sewers tributary to Pond 1 to an upset limit of \$8,827,000 and plus applicable taxes and applicable indexing in accordance with the Front-Ending Agreement framework or principles in Document 5 and the Council approved Front-Ending Policy set out in Document 6;
  8. authorize the City to enter into Subdivision Agreements, which provide for the repayment of development charges eligible for the Leitrim Road Storm Drainage System tributary to Pond 2 to an upset limit of \$2,219,450 plus applicable taxes and applicable indexing in accordance with the Front-Ending Agreement framework or principles in Document 5 and the Council approved Front-Ending Policy set out in Document 6;
  9. authorize the City to enter into Subdivision Agreements, which provide for the repayment of development charges eligible for the North-South Swale tributary to Pond 2 to an upset limit of \$3,042,075

**plus applicable taxes and applicable indexing in accordance with the Front-Ending Agreement framework or principles in Document 5 and the Council approved Front-Ending Policy set out in Document 6; and**

- 10. authorize the expenditure of \$36,686,261 plus applicable taxes and applicable indexing, for the land acquisition, design and construction of the Stormwater Management Pond 2, Over-sized Trunk Storm Sewers, Drainage System and North-South Swale.**

Pierre Dufresne, Tartan Homes, was present in support and to answer questions if needed.

Planning Committee CARRIED the report recommendations as presented.

6. AGREEMENT WITH THE MISSISSIPPI VALLEY CONSERVATION AUTHORITY FOR WORKS IN THE UPPER POOLE-CREEK SUBWATERSHED

ACS2018-PIE-PS-0006

STITTSVILLE (6)

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#### **REPORT RECOMMENDATION**

**That Planning Committee recommend Council delegate authority to the General Manager, Planning, Infrastructure and Economic Development Department to enter into an agreement for a financial contribution with the Mississippi Valley Conservation Authority for works related to the Upper Poole-Creek Subwatershed.**

CARRIED

7. ZONING BY-LAW AMENDMENT – 168 DALY AVENUE

ACS2018-PIE-PS-0002

RIDEAU-VANIER (12)

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**REPORT RECOMMENDATIONS**

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 168 Daly Avenue to permit an office limited to an embassy, as detailed in Document 2.
2. 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 31 January 2018", subject to submissions received between the publication of this report and the time of Council's decision.

Lloyd Phillips, Lloyd Phillips and Associates Ltd. (the applicant) and Ambassador Gita Kalmet, representing the Embassy of Estonia, were present in support, and to answer questions if needed.

Planning Committee CARRIED the report recommendations as presented.

8. OFFICIAL PLAN AMENDMENT – 4497 O'KEEFE COURT

ACS2018-PIE-PS-0011

BARRHAVEN (3)

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**REPORT RECOMMENDATIONS**

1. That Planning Committee recommend Council approve an amendment to the Official Plan for the City of Ottawa, as detailed in

**Document 2, to approve a connection to the municipal water system for potable water purposes at 4497 O’Keefe Court.**

- 2. 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 31 January 2018 subject to submissions received between the publication of this report and the time of Council’s decision.**

Paul Black, FoTenn Consultants Inc. (applicant), was present in support, and to answer questions if needed.

Planning Committee CARRIED the report recommendations as presented.

- 9. PART LOT CONTROL AND ROAD OPENING APPLICATIONS – PART OF 300 GOULBOURN FORCED ROAD**

ACS2018-PIE-PS-0022

KANATA NORTH (4)

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#### **REPORT RECOMMENDATION**

**That Planning Committee reinstate Delegated Authority to staff for approval of the Part Lot Control and Road Opening applications for Part of 300 Goulbourn Forced Road, incorporating the staff position supporting the requirement for the grade separation of Solandt Road and the railway corridor.**

#### **Motion N° PLC 57/5**

Moved by Councillor T. Tierney (on behalf of Councillor M. Wilkinson)

**WHEREAS, City staff are processing an application for part lot control dealing with the individual lot creation and layout for the KNL phase 9**

subdivision, which has been registered as large blocks; and,

WHEREAS, the plan for KNL phase 9 includes provisions for the extension of Solandt Road to cross the city-owned Renfrew subdivision (rail corridor); and

WHEREAS, staff are proposing to exercise annex 1, section 2.7 of the Official Plan which indicates that the city can require the protection for future grade separation of any rail corridor crossing; and

WHEREAS, the ward councillor has lifted delegated authority related to the part lot control application in order to have Planning Committee provide direction to staff on this matter; and,

WHEREAS, the current rail corridor sees 1 train per week per direction; and,

WHEREAS, there are currently no long term plans or budget established to construct the grade separation; and

WHEREAS, providing for grade separation would require a re-design of the subdivision layout, which due to the extremely difficult terrain would make it almost impossible to service part of the subdivision as the only road to one section would be lost;

THEREFORE BE IT RESOLVED that staff be directed to proceed with the part lot control application without the protection for grade separation of Solandt Road where it crosses the rail corridor; and

BE IT FURTHER RESOLVED that delegated authority be returned to staff subject to this direction.

CARRIED

Jack Stirling was present in support.

Planning Committee CARRIED the item as amended by Motion 57/5.

## BUILT HERITAGE SUB-COMMITTEE

10. APPLICATION TO DEMOLISH THE PARKING GARAGE, CHÂTEAU LAURIER, 1 RIDEAU STREET, A PROPERTY DESIGNATED UNDER PART IV OF THE *ONTARIO HERITAGE ACT*

ACS2018-PIE-RHU-0001

RIDEAU-VANIER (12)

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### REPORT RECOMMENDATIONS

That Planning Committee recommend that Council:

1. approve the application to demolish the upper four storeys of the Château Laurier Parking garage submitted by Momentum Planning & Communications and received on November 27, 2017;
2. approve the application to maintain and reinforce the ground floor walls of the parking garage to serve as a screen to the existing ground floor parking area, which is to remain according to plans by architectsAlliance; and
3. delegate authority for minor design changes to the General Manager, Planning, Infrastructure and Economic Development Department.

(Note: The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on February 25, 2018.)

(Note: Approval to alter this property under the *Ontario Heritage Act* must not be construed to meet the requirements for the issuance of a building permit.)

This Built Heritage Sub-Committee (BHSC) considered this report at its meeting of 11 January 2018 CARRIED the report recommendations as presented. The Sub-committee received written correspondence on this matter, as noted in their Minutes.

In addition to the correspondence received by the BHSC, the Planning

Committee received the following correspondence between 4 January 2018 (the date the report was first published in the BHSC agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held on file:

- Comments dated January 21, 2018 from David B. Flemming, A/Chair, Heritage Ottawa Advocacy Committee.

Planning Committee did not hear any delegations on the matter. Dennis Jacobs, Momentum Planning and Communications (applicant), was present in support and to respond to questions if needed.

Planning Committee CARRIED the report recommendations as presented.

11. APPLICATION FOR DEMOLITION AND NEW CONSTRUCTION AT 485 MAPLE LANE, A PROPERTY DESIGNATED UNDER PART V OF THE *ONTARIO HERITAGE ACT* AND LOCATED IN THE ROCKCLIFFE PARK HERITAGE CONSERVATION DISTRICT

ACS2018-PIE-RHU-0002

RIDEAU-ROCKCLIFFE (13)

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## REPORT RECOMMENDATIONS

**That the Planning Committee recommend that Council:**

- 1. approve the application to demolish the building at 485 Maple Lane, received on November 23, 2017;**
- 2. approve the application to construct a new building at 485 Maple Lane according to plans prepared by Peter Cai Consulting dated November 20, 2017 and received November 23, 2017;**
- 3. approve the landscape design for the new building at 485 Maple Lane according to plans prepared by Peter Cai Consulting dated November 20, 2017 and received November 23, 2017;**
- 4. delegate authority for minor design changes to the General Manager, Planning, Infrastructure and Economic Development Department;**

and

5. issue the heritage permit with a two-year expiry date from the date of issuance unless extended by Council prior to expiry.

**(Note: The statutory 90-day timeline for consideration of this application under the *Ontario Heritage Act* will expire on February 21, 2018.)**

**(Note: Approval to alter this property under the *Ontario Heritage Act* must not be construed to meet the requirements for the issuance of a building permit.)**

This Built Heritage Sub-Committee (BHSC) considered this report at its meeting of 11 January 2018 CARRIED the report recommendations as presented. The Sub-committee received written correspondence on this matter, as noted in their Minutes.

In addition to the correspondence received by the BHSC, the Planning Committee received the following correspondence between 4 January 2018 (the date the report was first published in the BHSC agenda) and the time the report was considered by Planning Committee on 23 January 2018, a copy of which is held on file:

- Comments dated January 9, 2018 from Susan d'Aquino, Chair, Heritage Committee of the Rockcliffe Park Residents Association
- Comments dated January 21, 2018 from David B. Flemming, A/Chair, Heritage Ottawa Advocacy Committee

Planning Committee CARRIED the report recommendations as presented.

## **INFORMATION PREVIOUSLY DISTRIBUTED**

The following item was distributed for information prior to the meeting:

- A. COMMITTEE OF ADJUSTMENT – PANEL 2 - RESERVE APPOINTMENT

OTHER BUSINESS`

ADDITIONAL ITEM

12. MOTION - INCLUSIONARY ZONING – SUBMISSION TO ONTARIO MINISTRY OF MUNICIPAL AFFAIRS AND MINISTRY OF HOUSING RE PROPOSED REGULATION

CITY WIDE

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Having the approved the addition of the item to the agenda, Committee considered the following motion:

**Motion N° PLC 57/6**

Moved by Councillor T. Tierney

**BE IT RESOLVED that the following Motion be referred to the City Council meeting on January 31, 2018 for consideration:**

WHEREAS the City of Ottawa is committed to continuing to work with both the private and not-for-profit sectors in the development of affordable housing to advance the objectives of the City's 10 Year Housing and Homelessness Plan and the Official Plan; and

WHEREAS the City of Ottawa currently provides a number of programs targeted towards the development of new affordable housing through municipal funding and financial incentives;

WHEREAS the Promoting Affordable Housing Act, 2016 was introduced in the Ontario Legislative Assembly on September 14, 2016 and received Royal Assent on December 8, 2016; and

WHEREAS this legislation enables the Minister of Municipal Affairs to introduce regulations under the Planning Act related to inclusionary zoning; and

WHEREAS the Ontario Ministry of Municipal Affairs and Ministry of Housing

published proposed regulations on December 18, 2017 and is seeking public comments by February 1, 2018; and

WHEREAS inclusionary zoning is intended to be a tool municipalities can use to require the development of affordable housing in targeted areas, such as within Transit-Oriented Development locations; and

WHEREAS, as described in the memorandum to Members of Council from the General Manager of Planning, Infrastructure and Economic Development dated January 22, 2018, staff have reviewed the proposed regulation and identified a number of areas to be addressed in order to provide Council with the flexibility to best use the inclusionary zoning provisions to make material improvements in Ottawa's affordable housing stock, including, but not limited to:

- The proposed regulation applies only to new condominiums and houses being built for sale, and does not address the rental sector, which is a crucial component of Ottawa's affordable housing needs; and
- The requirement for municipalities to offset 40% of the cost of making units affordable through specified incentives is unaffordable for municipalities and will compete with other necessary municipal objectives including availability of monies set aside for affordable housing through development charges; and
- The proposed regulation creates potentially complex, burdensome and costly implementation and administration requirements.

THEREFORE BE IT RESOLVED that Council approve the comments to the Ontario Ministry of Municipal Affairs and Ministry of Housing on its proposed regulations on inclusionary zoning as described below, and as further detailed in the staff, technical submission set out as Appendix A to this motion:

- a) That the regulation include a companion inclusionary zoning regulation addressing rental housing;
- b) That the Province of Ontario recognize current municipal investments and incentives for affordable housing and reconsider the requirement for municipalities to offset 40% of the costs through specified incentives as this would impede current programs municipalities are

offering;

- c) That the Province of Ontario provide funding to municipalities to offset the costs of implementing the regulation; and
- d) That municipal decision-making be permitted in key provisions such as unit set-aside rates, off-site replacement restrictions and equity sharing models; and

BE IT FURTHER RESOLVED that Council direct the City Clerk and Solicitor to forward a letter to the Ontario Ministry of Municipal Affairs and Ministry of Housing with a copy of this motion and the staff technical submission attached as Appendix A for their information and consideration; and

BE IT FURTHER RESOLVED that Council direct the General Manager, Planning, Infrastructure and Economic Development, or his designate, to follow-up with the Ministry on any additional procedural and technical concerns, to continue to work with the Ministry to communicate possible impacts, and to incorporate consideration of the new legislation on inclusionary zoning in any relevant upcoming studies and reviews, including the R4 Review and preparations for the next Official Plan and report out to the Planning Committee and Council as appropriate.

#### Appendix A – Staff Comments to the Province on Inclusionary Zoning

##### Overall Comments

As proposed, inclusionary zoning appears to represent a significant, unfunded transfer of responsibility for the provision of affordable housing from the Province to municipalities. We are concerned that there are substantial administrative and budgetary burdens associated with the provision of less-expensive ownership housing, but no measures to address less expensive rental housing. This is coupled with financial disincentives towards maintaining the current approvals process, and a push towards switching to CPP comprehensively.

In implementing inclusionary zoning, the City would appear to be responsible for absorbing the following costs, with no transfer of funding or support from the province:

- Initial program development;

- Ongoing data collection, research and market analysis;
- Direct payments of 40% of the difference between market and affordable price on a per-development basis;
- Administration costs for regular tracking and transfers of units;
- Ongoing operation for maintaining the supply and administration of units;
- Long-term financial obligations to acquire more units;
- Legal costs to assign agreements and conduct follow-up monitoring; and
- Long-term financial equity transfer obligations.

#### Section 1 Prescribed Official Plan Policies

- 1a) The language could be more clear, such as inclusionary zoning could only apply to developments with 20 or more residential units.

#### Section 2 Municipal Assessment Report

- The Municipal Assessment Report five year update would be onerous to undertake if it occurred through a review in which population projections are not updated. It would be clearer if the Municipal Assessment Report would be required only when new Official Plan growth projections are developed.
- The Municipal Assessment Report should also require reporting on the number of households in core housing need.

#### Section 3 Provisions Required in Inclusionary Zoning By-laws

- Unit set aside – clarify whether gross floor area is up to the inside or outside of the walls. The regulation should not include maximums or caps for the unit set aside. Instead, it could specify a minimum unit set aside. A higher set aside requirement around transit station areas could have the unintended consequence of discouraging development in these areas.
- Measures and incentives – The proposed requirement for municipalities to offset 40% of the costs of the inclusionary zoning units would be a significant disincentive to the uptake of inclusionary zoning in Ottawa. Providing for exemptions or waivers or fees and funds would be highly problematic, as the City relies on them for critical programming and infrastructure needs

(acquisition of parkland, public realm improvements, transit etc.).

Development application fees provide cost recovery for municipal development review. Further we strongly oppose the proposed restriction that would prohibit municipalities from using height and density to incentivize affordable units. Height and density is the one tool that could easily and affordably be offered by municipalities and that would be a valuable offset to developers. It is also the most common form of incentive used in other inclusionary zoning programs.

It is unclear why an average price is used for the financial contribution paid to a specific development. It may be more efficient and equitable to use the price related to the affordable units in that specific building to calculate the financial contribution provided for that developer via the subject agreement. This method would also capture the extras such as condo fees that vary considerably between developments, and also extras such as storage and upgrades that are specific to that development. The proposed regulations should be amended to allow municipal flexibility to use an average market price or the listed price for the units in a given development.

In areas of high intensification and housing demand, the direct cost to the City will be much higher, as the spread between market price and affordability will be more significant. This may have the unintended consequence of creating “exclusionary neighbourhoods” that will never see inclusionary zoning because of their high average prices.

There does not appear to be any rationale for making municipalities pay for affordable units under one permitting system (the current zoning/SPC regime) and not under another (CPPS). As an alternative to the financial contribution requirement, developing and implementing a CPP system would be an enormous resource commitment, comparable to developing an entirely new zoning by-law, site plan by-law and official plan policy, and the accompanying administration and technical resources to implement.

#### Section 4 Provisions Required in Inclusionary Zoning Agreements – Share of Proceeds Related to Equity

- In general the requirement for the resale of an affordable unit at an affordable price does not make this program attractive for new homeowners. There are a variety of reasons why a household will need to move/sell their home and

the inability to receive equity may be a disincentive. If a household is wanting ownership, a more lucrative option may be to purchase low density units in the suburbs or a resale home where they gain equity in their investment for the same price as opposed to an Inclusionary Zoning unit where they do not..

- As the housing markets vary across the Province it may be advantageous to allow municipalities to determine the equity share after the affordability period has expired. Homeowner equity may be a more important component to some municipalities' Housing Plan than others. Similarly the increase in property tax differs between jurisdictions and some municipalities may require flexibility in equity shares as a way to finance this program.
- The regulation should specify the need for all first sales to be "at arms transactions" to reduce the possibility of selling to a friend/family member and then reselling and sharing the profit.

#### Section 5 Reporting by council of a municipality

- Clarify whether reporting is to Council or to the Province.

#### Section 6 Restrictions on Off-site

- 6a) requiring the off-site units to be located "in proximity" to the original site is too vague. It is unclear how this would be implemented
- 6c) the 36 month time period is too long. Delaying affordable housing for 3 years is not acceptable; the affordable housing should be built in the same time-frame as the market housing. The section seems to suggest that the off-site units could be built by others and as part of a different planning agreement. Who would guarantee the construction, time frame or financing in this case? What enforcement and monitoring mechanisms would ensure the units were built? Would the City still be required to offset 40% of the costs to the original developer? We see this policy as an out clause for developers.

#### Section 7 Restrictions on use of section 37

- As noted in Section 3c, we strongly oppose the proposed prohibition that would not allow municipalities to use height and density as a measure/incentive to offset developer costs.

### Section 8 Developments or Redevelopments

- Rental housing is a major affordable housing generator. The exemption for purpose-built rental developments is strongly opposed as it would result in significant lost opportunities for increasing the supply of affordable housing and providing a greater range and mix of housing in the City. The rental sector is a crucial component of Ottawa's affordable housing needs.
- As proposed, this program seems to be about subsidizing property ownership, not housing at all. Those who need housing assistance, either can't afford market rents or have challenges pulling together a down payment and getting approved for a mortgage. The focus on affordable ownership and exemption for affordable rental is a flaw and an inefficiency.
- As zoning cannot specify tenure, this consideration would need to occur at time of development application, which may create incentives for development to change tenures after the fact to avoid program requirements.
- Clarify whether conversion of rental apartments to condominiums would be exempt.

CARRIED

### ADJOURNMENT

The meeting was adjourned at 3:06 p.m.

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**Committee Coordinator**

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**Chair**