

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
5 July 2018 / 5 juillet 2018**

**and Council
et au Conseil
11 July 2018 / 11 juillet 2018**

**Submitted on 21 June 2018
Soumis le 21 juin 2018**

**Submitted by
Soumis par:
John Smit**

Director / directeur

**Economic Development and Long Range Planning / Développement économique
et Planification à long terme**

Contact Person / Personne ressource:

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Ward: OSGOODE (20)

File Number: ACS2018-PIE-EDP-0036

SUBJECT: By-law – 4837 Albion Road and 4910 Bank Street

OBJET: Règlement – 4837, chemin Albion et 4910, rue Bank

REPORT RECOMMENDATIONS

- 1. That Agriculture and Rural Affairs Committee recommend Council approve the specific criteria for consideration of an application for minor variance by the Committee of Adjustment for 4837 Albion Road and 4910 Bank Street, as detailed in Document 2.**
- 2. That Agriculture and Rural Affairs 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 11 July 2018", subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver les critères précis d'examen par le Comité de dérogation d'une demande de dérogation mineure visant le 4837, chemin Albion et le 4910, rue Bank, comme l'expose en détail le document 2.
2. Que Comité de l'agriculture et des affaires rurales donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et de l'avocat général et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de loi 73 », à la réunion du Conseil municipal prévue le 11 juillet 2018, à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

4837 Albion Road and 4910 Bank Street

Owner

Rideau Carleton Raceway Holdings Limited

Applicant

Novatech, on behalf of Hard Rock Casino Ottawa

Architect

SOSH Architects

Description of site and surroundings

The subject site is the location of the Rideau Carleton Raceway and Slots. It also includes the property at 4910 Bank Street, which is currently vacant. The whole lot, shown in Document 1, was subject to a conditionally-approved severance application in 2017 to divide the lands. The raceway and casino will be located on approximately 40.5 hectares (100 acres) with 542 metres of frontage on Albion Road, which has been leased by Hard Rock Casino Ottawa. The retained lands will remain in the full ownership of the Rideau Carleton Raceway Holdings Limited. The primary access to the site is via the signalized intersection on Albion Road, and there are two other accesses to Albion Road.

North of the site is the Leitrim Wetland Complex. South of the site are lands used for agriculture and for mineral extraction. East of the site are the retained lands of the above-noted severance application. These lands house the stables associated to the horseracing track. Further east are lands used for mineral extraction (licensed limestone quarries). West of the site is Falcon Ridge Golf Course. There are residential properties along Albion Road adjacent to and north and south of the subject lands.

Background

On May 9, 2018, as part of City Council's approval of a Zoning By-law amendment to permit a hotel use and theater use and to allow for 55 gaming tables for the proposed expansion of the Rideau Carleton Raceway and Casino by Hard Rock Casino Ottawa, City Council passed the following motion:

WHEREAS Section 45 of the *Planning Act* establishes the jurisdiction of the Committee of Adjustment to authorize minor variances from a by-law passed under Section 34 or 38 of the *Act*, and

WHEREAS such authority is delegated to the Committee of Adjustment by the Council of the City of Ottawa through its direction to establish the Committee of Adjustment on September 12, 2001; and

WHEREAS there is a desire to have matters relating to any addition or expansion of the proposed gaming tables at the Hard Rock Casino Ottawa return to Agriculture and Rural Affairs Committee and Council for consideration;

THEREFORE BE IT RESOLVED that Council direct staff to initiate a by-law under section 45 (1.0.3) to establish specific criteria in respect of any proposed expansion of the number of gaming tables at the Hard Rock Casino Ottawa at 4837 Albion Road so that any such proposal is to be heard by Agriculture and Rural Affairs Committee and Council of the City of Ottawa: and

BE IT FURTHER RESOLVED that the Zoning By-law amendment adding to the number of gaming tables at this location, if approved, shall not be enacted unless the applicant for the Zoning By-law amendment agrees in writing to the imposition of the criteria in the recommendation above; and

BE IT FURTHER RESOLVED that should the amendment be approved by Council, and notwithstanding any resolutions made by Council in respect of section 45 (1.4), section 45 (1.3) (being a restriction on the ability to apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended) shall apply to this site-specific amendment, and Council will not grant a minor variance in this term, and will recommend that the 2018-2022 Council also not grant permission for minor variances to be sought.

This report has been prepared to implement the resolution as directed by City Council.

DISCUSSION

Public consultation

Section 45 of the *Planning Act* establishes the jurisdiction of the Committee of Adjustment to authorize minor variances from a by-law passed under Section 34 or Section 38 of the *Act*. Section 45 of the *Act* refers to Section 34, which requires that prior to the passing of a by-law under this section, Council shall ensure that sufficient information and material is made available to the public and at least one public meeting is held. Agriculture and Rural Affairs Committee is the public meeting for this subject by-law.

In terms of notification, a sign was posted on the subject site on May 29, 2018. On May 22, 2018, an email notification was sent to registered community organizations to advise of the process and scheduled date for the item to be heard by the Agriculture and Rural Affairs Committee and Council. No questions or concerns were received following this notice.

Rationale

Bill 73 amended Section 45 of the *Planning Act* and came into force on July 1, 2016. Those amendments provided for a two-year restriction on minor variances following a Zoning By-law amendment. Nevertheless, an application to the Committee of Adjustment may be permitted through a Council resolution, where the resolution may be made in respect of a site-specific application, a class of applications or in respect of such applications generally. In the case of the Hard Rock Casino Ottawa Zoning By-law amendment (By-law 2018-173), no such exemption from the restriction has been provided.

Further, the *Act* provides that the Committee of Adjustment shall only authorize a minor variance if, the minor variance conforms to prescribed criteria, if any, as established by the local municipality by by-law. This report establishes criteria, specific to the property known municipally as 4837 Albion Road and 4910 Bank Street, which must be considered by the Committee of Adjustment upon the application of a minor variance in respect of this property.

The criteria is twofold: 1) that a Minor Variance application does not include an addition or expansion to the gaming tables above 55 gaming tables; and 2) that it include a description of the layout and number of gaming tables within the casino floor space and impacts, if any, of the variance upon the master plan for the site.

The rationale for such a restriction relates to the desired implementation of transportation improvements. These are set out in the removal of holding conditions, as follows:

The holding symbol within Areas A, B and D may only be removed once an application for Site Plan Control under the *Planning Act* is approved, which addresses the following, and as more specifically described in report ACS2018-PIE-EDP-0021 and all to the satisfaction of the General Manager of Planning, Infrastructure and Economic Development:

- a) Transportation Demand Management strategies to support and encourage travel options to reduce reliance on single occupancy automobile use;
- b) Transit or shuttle services between the site and the nearest transit station;

- c) An update of the Transportation Impact Assessment submitted with the Zoning By-law amendment application to provide for a more refined examination of impacts of the expanded facility (taking into consideration phasing) to local road networks and participation in implementation of measures that may accelerate Transportation Master Plan projects where practical and other possible measures such as participating in localized improvements that may alleviate current congestion; and
- d) A conceptual master plan for the site, laying out blocks for development and natural features, and circulation routes for pedestrians, cyclists, transit and vehicles, and which includes opportunities for deprioritizing entrances on Albion Road and providing a Bank Street access and the means for implementation.

The description and implementation of the transportation improvements have also been agreed to by the proponent. In a letter dated May 7, 2018 received from Richard Gardner, Director of Treasury, Rideau Carleton Raceway and Casino, future home of Hard Rock Ottawa, Hard Rock Ottawa committed to:

- a) A private driveway on Hard Rock Casino Ottawa lands to Bank Street;
- b) Front ending of a portion of Earl Armstrong to Bank Street (and/or constructing a driveway through the Earl Armstrong alignment in lieu of a private driveway connection);
- c) Working with developers in Leitrim on front ending improvements of Bank Street; and
- d) Working with the City on front ending intersection improvements at Albion / Lester.

Any increase in the number of gaming tables from the 55 approved through By-law 2018-173 would not be minor as it would have the potential to alter the transportation impacts associated with the casino use on the site. The additional details of the internal layout are required as they could have an impact on the lay out of blocks and circulation routes, as well as how the site is arranged to fit within the desired hierarchy of streets in the area.

The holding provisions and agreed-upon transportation improvements could also be affected. As a result, it is appropriate that any increases in the number of gaming tables

(beyond 55) at the Hard Rock Casino Ottawa be heard by Agriculture and Rural Affairs Committee and Council of the City of Ottawa, so that a decision could follow a Zoning By-law amendment process. This would enable the full review by staff of transportation studies, public consultation, and a thorough consideration of any impacts to the holding symbol provisions to occur.

Hard Rock Casino Ottawa has agreed to these terms through a written commitment, which can be found in Document 3.

RURAL IMPLICATIONS

Should the by-law within Document 2 be enacted, any proposal to increase the number of gaming tables would be heard by the Agricultural and Rural Affairs Committee, Beyond this, there are no implications for rural residents associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Darouze is aware of the recommendations in this report.

LEGAL IMPLICATIONS

There are no legal implications associated with implementing the recommendation contained within this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priority:

Governance, Planning and Decision-Making

APPLICATION PROCESS TIMELINE STATUS

This report is to implement the resolution as directed by City Council, so the "On Time Decision Date" established for the processing of Zoning By-law amendment applications is not applicable.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Recommended By-law

Document 3 Letter of Agreement

CONCLUSION

As the report is implementing the resolution as directed by City Council, it is recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk and Solicitor to notify the owner; Ottawa Scene Canada Signs, 1565 Chatelain Avenue, Ottawa, ON K1Z 8B5; Krista O'Brien, Tax Billing, Accounting and Policy Unit, Revenue Service, Corporate Services (Mail Code: 26-76) of City Council's decision.

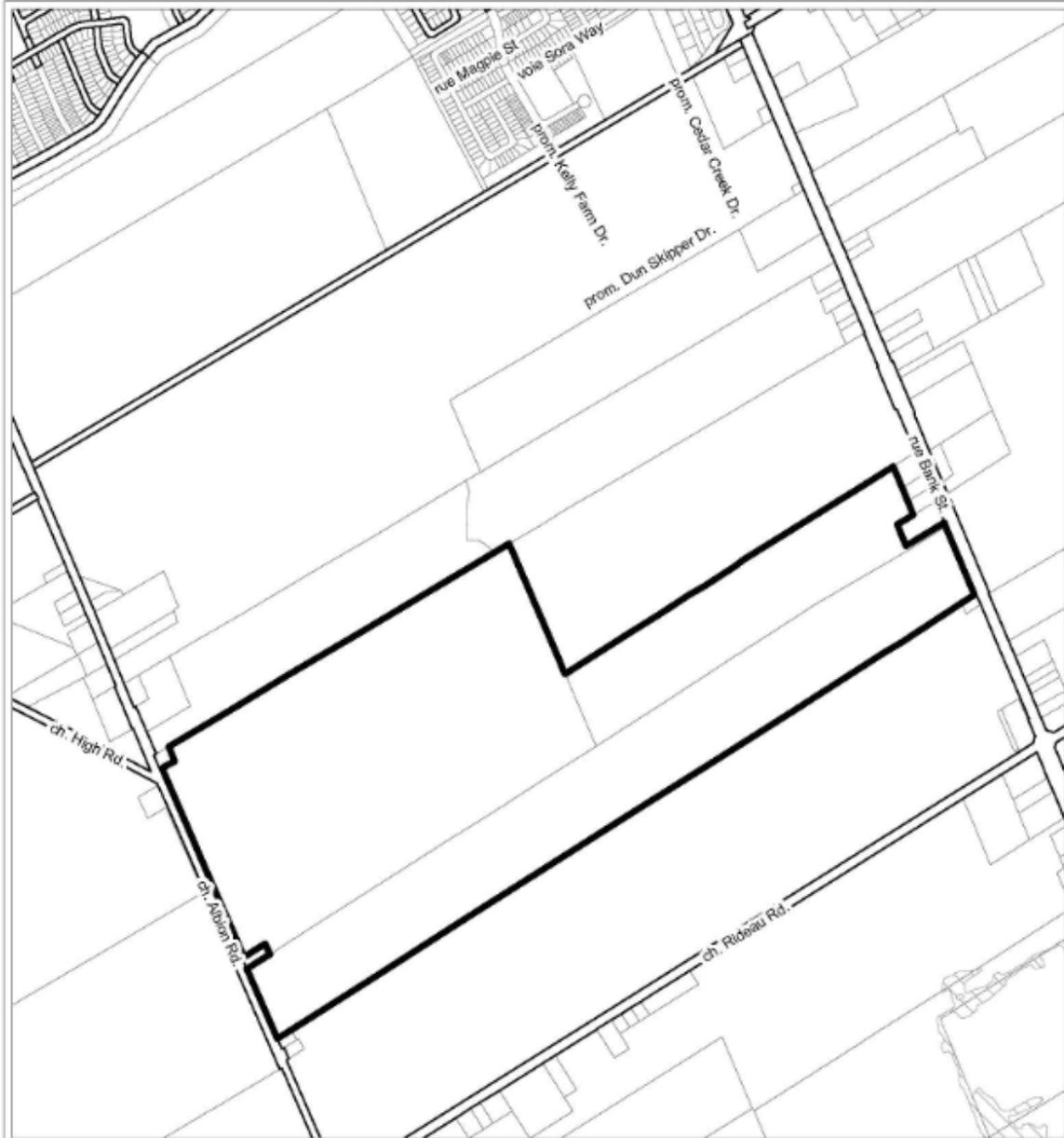
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Office of the City Clerk and Solicitor to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa.



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-18-0006	18-0148-D	<div style="display: flex; align-items: center;"> <div style="border: 2px solid black; width: 40px; height: 20px; margin-right: 10px;"></div> <div> <p>4837 chemin Albiou Road and 4910 rue Bank Street</p> </div> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px dashed gray; width: 20px; height: 10px; margin-right: 5px;"></div> <div> <p>Existing Flood Plain (Section 58) / Plaine inondable (Article 58)</p> </div> </div>	
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REVISION / RÉVISION - 2018 / 02 / 12			

Document 2 – Recommended By-law

BY-LAW NO. 2018 - XX

A by-law of the City of Ottawa to establish specific criteria in respect of any proposed expansion or addition requiring a minor variance, in respect of any proposed expansion of the number of gaming tables at 4837 Albion Road and 4910 Bank Street.

The Council of the City of Ottawa, pursuant to Section 45 of the *Planning Act*, R.S.O.1990, enacts the following criteria for consideration by the Committee of Adjustment:

1. In considering whether a variance is minor, the Committee of Adjustment shall address the following additional criteria:
 - a. THAT such variance does not include an addition or expansion to the gaming table use, being 55 gaming tables, at this location, as approved through Council's resolution dated 9 May 2018.
 - b. THAT an application for a variance include a description of the layout and number of gaming tables within the casino floor space and impacts, if any, of the variance upon the master plan for the site.

ENACTED AND PASSED this XX day of XXXXXX, 20XX.

Document 3 – Letter of Agreement

**RIDEAU CARLETON
RACEWAY & CASINO**
FUTURE HOME OF HARD ROCK OTTAWA

Mayor and Council
City of Ottawa
110 Laurier Ave West
Ottawa, Ontario
K1P 1J1

May 15, 2018

Mayor and Council,

Re: Letter of Agreement from Hard Rock
on any further expansion of gaming tables
and the role of ARAC and Council

In accordance with Councillor Harder's motion at City Council on Wednesday May9th, this shall confirm Hard Rock Ottawa's Agreement for the City to establish specific criteria under Section 45 (1.0.3) such that, in respect of any proposed expansion of the number of gaming tables at the Hard Rock Casino at 4837 Albion Road. Hard Rock Ottawa agrees that, under these criteria, any such proposed expansion to the number of gaming tables shall be heard by Agriculture and Rural Affairs Committee and Council of the City of Ottawa.



Richard Gardner
Director of Treasury

c.c. S Willis, City of Ottawa
J Smit, City of Ottawa