

**Report to  
Rapport au:**

**Council  
Conseil**

**11 July 2018 / 11 juillet 2018**

**Submitted on July 6, 2018  
Soumis le 6 juillet 2018**

**Submitted by  
Soumis par:**

**Council Coordinator / coordonnatrice du Conseil**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2018-CCS-OCC-0014**

**SUBJECT: Summary of Oral and Written Public Submissions for Items Subject to  
the *Planning Act* 'Explanation Requirements' at the City Council Meeting of June 27,  
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 27 juin 2018.**

## **REPORT RECOMMENDATION**

**That Council approve the Summaries of Oral and Written Public Submissions for  
items considered at the City Council Meeting of June 27, 2018 that are subject to the  
'Explanation Requirements' being the *Planning Act*, subsections 17(23.1), 22(6.7),  
34(10.10) and 34(18.1), as applicable, as described in this report and attached as  
Documents 1 to 4.**

## RECOMMANDATION DU RAPPORT

**Que le Conseil approuve les résumés des observations orales et écrites du public sur les questions étudiées à la réunion du 27 juin, 2018 du Conseil municipal qui sont assujetties aux exigences d'explication prévues aux paragraphes 17(23.1), 22(6.7), 34(10.10) et 34(18.1) de la *Loi sur l'aménagement du territoire*, selon le cas, et comme les décrit le présent rapport et qui sont joints à titre de 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 June 27, 2018, City Council considered four planning matters for which written and/or oral submissions were received after publication of the staff report:

1. Zoning By-law Amendment – 929 Richmond Road and 108 Woodroffe Avenue (ACS2018-PIE-PS-0061)
2. Zoning: Flood Plain Mapping Updates Phase 2 (ACS2018-PIE-EDP-0008)
3. Zoning - Applying the Mature Neighbourhoods Overlay to Lands within the Dow's Lake, Lindenlea, Vanier and Overbrook areas (ACS2018-PIE-EDP-0024)
4. Zoning By-law Amendment – 255 MacKay Street (ACS2018-PIE-PS-0052)

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 27 juin 2018, le Conseil municipal a examiné quatre demandes d'aménagement pour laquelle il a reçu des observations orales ou écrites suivant la publication du rapport du personnel :

1. Modification au Règlement de zonage – 929, chemin Richmond et 108, avenue Woodroffe (ACS2018-PIE-PS-0061)
2. Zonage : Mise à jour de la cartographie des plaines inondables – Phase 2 (ACS2018-PIE-EDP-0008)
3. Plan de conception communautaire, Plan directeur de viabilisation, Plan directeur des Zonage - Application de la zone sous-jacente de quartiers établis à des terrains situés dans les secteurs du lac Dow, de Lindenlea, de Vanier et d'Overbrook (ACS2018-PIE-EDP-0024)
4. Modification au Règlement de zonage – 255, rue MacKay (ACS2018-PIE-PS-0052)

Un « Résumé des observations orales et écrites » pour chaque 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*:

<b>Subsections</b>	<b>Related Matters</b>
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 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 June 13, 2018, considered five items subject to the *Planning Act* 'Explanation Requirements' described above. These items are as follows:

### **Planning Committee Report 65A:**

1. Zoning By-law Amendment – 929 Richmond Road and 108 Woodroffe Avenue (ACS2018-PIE-PS-0061)
2. Zoning: Flood Plain Mapping Updates Phase 2 (ACS2018-PIE-EDP-0008)
3. Zoning - Applying the Mature Neighbourhoods Overlay to Lands within the Dow's Lake, Lindenlea, Vanier and Overbrook areas (ACS2018-PIE-EDP-0024)

### **Planning Committee Report 66:**

4. Zoning By-law Amendment – 255 MacKay Street (ACS2018-PIE-PS-0052)

**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 – 929 Richmond Road and 108 Woodroffe Avenue (ACS2018-PIE-PS-0061)

Document 2 – Summary of Written and Oral Submissions - Zoning: Flood Plain Mapping Updates Phase 2 (ACS2018-PIE-EDP-0008)

Document 3 –Zoning - Applying the Mature Neighbourhoods Overlay to Lands within the Dow's Lake, Lindenlea, Vanier and Overbrook areas (ACS2018-PIE-EDP-0024)

Document 4– Summary of Written and Oral Submissions - Zoning By-law Amendment – 255 MacKay Street (ACS2018-PIE-PS-0052)

## **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 July 11, 2018.

## Document 1

### Summary of Written and Oral Submissions

#### Zoning By-law Amendment – 929 Richmond Road and 108 Woodroffe Avenue (ACS2018-PIE-PS-0061)

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: 2**
- ❖ **Number of Submissions received by Planning Committee and Council between June 1 and June 27, 2018 : 3**

#### Primary concerns and arguments in opposition, by individual

- ❖ *Dianna LeBreton (oral submission plus two written submissions)*
  - excessive height, scale, massing and density for location
  - incompatibility with existing streetscape and the adjacent low-rise residential neighbourhood
  - unappealing aesthetics
  - traffic flow and safety concerns with left turn movements, and extra congestion
  - non-conformity with City-approved policies and guidelines
  - negative impact on existing property values
  - reservations of the Urban Design Review Panel
  - indicated a preference for the previously proposed 14 storey building would have complemented the street scape and acted as a gateway to the community

#### Primary arguments in support, by individual

- ❖ *Rod Lahey, Roderick Lahey Architect (oral submission plus presentation slides)*
  - applicant's efforts to respond to concerns previously raised, notably:
    - an increased setback along the pedestrian pathway to ensure a constant greenspace;



- a reduction in the number of rear surface parking areas;
- enclosing the access onto Woodroffe Avenue;
- redesigned access to the rear parking lot; and, reshaping of the tower,
- reduction of the tower plate and changing materials to reduce the mass and modify the general appearance of the building

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

Debate        The Committee spent approximately 26 minutes on this item.

Vote:         Planning Committee CARRIED the report recommendations 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: Flood Plain Mapping Updates Phase 2 (ACS2018-PIE-EDP-0008)

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:

#### Agriculture and Rural Affairs Committee

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- ❖ **Number of delegations at Agriculture and Rural Affairs Committee: 0**
- ❖ **Number of Submissions received by Agriculture and Rural Affairs and Council between May 28 and June 27, 2018 : 1**

#### Primary concerns and arguments in opposition, by individual

- ❖ *Faith Blacquiere (written submission)*
  - concerned with the exception for 2548 8th Line Road; suggested it should be included in the Zoning By-law Amendment now to avoid later floodplain mapping and zoning revisions
  - noted that the Cassidy Municipal Drain has an Engineers' Report in process, due in 2019, and the mapping should be in place for that process
  - opposed to permitting development in the floodway, suggesting that if development is to occur on the floodway land, the land should be designated as a two-zone area so that it can be converted to flood fringe, as indicated in the Provincial Policy Statement and Official Plan

#### Effect of Submissions on Agriculture and Rural Affairs Committee Decision:

Debate      The Committee approved this item on consent (without discussion or debate).

Vote:        The Committee CARRIED the report recommendations 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.

## Planning Committee

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- ❖ **Number of delegations at Planning Committee: 0**
- ❖ **Number of Submissions received by Planning Committee and Council between June 1 and June 27, 2018 : 1**

### Primary concerns and arguments in opposition, by individual

- ❖ *Faith Blacquiere (written submission)*
  - suggested the City should not be omitting officially approved floodplain maps from the Zoning By-law amendment (ZBA) on a site-specific basis, which results in costly mapping revisions later (referenced the Minto Arcadia/Feedmill Creek and 2548 8th Line Road floodplain overlays specifically)
  - noted that omitting the floodplain overlay results in the mapping not being available in GeoOttawa, even though the mapping has been approved by the conservation authorities and is in effect, regardless of whether the City has officially recognized it in the Zoning By-Law
  - questioned whether the modified one-zone concept has legal status, noting that it is not identified in the Conservation Authority Regulations or Regulation Policies, and appears to have no legal status in the Provincial Policy Statement or Official Plan (referenced the modified one-zone policy and the quantity of fill being proposed for Feedmill Creek corridor as something that would need legal opinion)
  - reiterated concerns previously submitted to the Agriculture and Rural Affairs Committee regarding the exception of 2548 8th Line Road

### Effect of Submissions on Planning Committee Decision:

Debate        The Committee approved this item on consent (without discussion or debate).

Vote:         The Committee CARRIED the report recommendations 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 - Applying the Mature Neighbourhoods Overlay to Lands within the Dow's Lake, Lindenlea, Vanier and Overbrook areas (ACS2018-PIE-EDP-0024)

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 and Council between June 1 and June 27, 2018 : 1**

#### Primary concerns and arguments in opposition, by individual

- ❖ *Jill Prot, City View Community Association (written submission)*
  - supported the initiative but suggested there was a lack of communication about it
  - requested the City consider City View as a mature neighbourhood and include it in this overlay before too much infill development occurs there and destroys the neighbourhood character

#### Primary arguments in support, by individual

- ❖ *Jill Prot, City View Community Association*
  - the initiative will ensure better infill and protect the character of the neighbourhoods to which it is applied

#### Effect of Submissions on Planning Committee Decision:

Debate      The Committee approved this item on consent (without discussion or debate).

Vote:        Planning Committee CARRIED the report recommendations 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 – 255 MacKay Street (ACS2018-PIE-PS-0052)

Planning Committee considered this item concurrently with the Agenda Item entitled 'Application to Alter 255 Mackay Street, A Property Located in New Edinburgh Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (ACS2017-PIE-RHU-0007)'

In addition to those outlined in the Consultation Details section of the Zoning By-law Amendment report, the following outlines the written and oral submissions received between the publication of the Zoning By-law Amendment report and prior to City Council's consideration:

- ❖ **Number of delegations at Planning Committee: 3**
- ❖ **Number of Submissions received by Planning Committee and Council between June 15 and June 27, 2018 : 5**

#### Primary concerns and arguments in opposition, by individual

- ❖ *Martine Gagné (oral submission and written submission with Christopher Barkey)*
  - inadequate consultation with the neighbouring properties most affected;
  - will have enduring effects on neighbours' ability to enjoy their own heritage properties
  - loss of privacy and sunlight to neighbouring property due to shadowing and overlook of a third-floor balcony
  - concerns about health of tree canopy
  - sideyard setback should be increased to a minimum of three metres
  - lack of a Cultural Heritage Impact Statement
  - R4 zoning is not necessary for development of the property and increases the risk of overexploitation
  - projections at the east and west elevations introduce design features that distract from the heritage elements of the home and could effectively be relocated to the rear of the property to reduce crowding of the façade and mitigate overcrowding/shadowing of adjacent properties

- ❖ *Allain Baldo, New Edinburgh Community Alliance (NECA) (written submission)*
  - lack of interaction / consultation with the neighbours most affected by the development
  - the staff report does not qualify the impact on the heritage value of the property, or the impact on the neighbouring heritage properties, and these issues need to be addressed before the development can move forward
  - there is no Cultural Heritage Impact Statement

### **Primary arguments in support, by individual**

- ❖ *Gail McEachern, New Edinburgh Community Alliance (NECA) (oral and written submission)*
  - the proposal is satisfactory as it will retain distinctive features and have elements reminiscent of the original structure, and will present well to the streetscape
  - noted that NECA would not support an alternate design that had been brought forward by the applicant at the Built Heritage Sub-committee meeting
- ❖ *Lloyd Phillips, Lloyd Phillips and Associates (applicant) (oral submission)*
  - affirmed that the developer will proceed with the proposal as shown in the staff report before committee
  - indicated the requested R4 zoning is an extension of what already exists for the property to the northwest of 255 MacKay and will enable repurposing of the Manse for residential use
  - spoke to compatibility with the surrounding properties
  - noted only one tree will have to be removed and suggested minimal impact from setback, overlook and shadowing
- ❖ *Eleanor Bates Dunn (written submission)*
  - believes in preservation of history, but fears that if conflicts with the community (over the design) are not quickly resolved, there may be unnecessary delays in the project or even a withdrawal by the developer, which could have very detrimental impacts on the building

- ❖ *Gordon Peters (Chair, Board of Trustees) and Susan Pitt (Chair, Property Committee), MacKay United Church (written submission)*
  - the adaptive re-use of the property will be good for the New Edinburgh community and will respect the heritage features of the building
  - hopes that any differences related to design details will be resolved quickly to allow construction in the fall
  
- ❖ *Sean Flynn, Chair, Board of Directors for Nectar / Member of Board of Directors for NECA (written submission)*
  - the proposed design, use, and augmentation of the building will be a wonderful evolution of what is a challenging building and setting
  - pleased that the building will now be home to two new families looking to call the community home
  - happy that Routeburn's design has managed to retain key aspects of the facade of the original building while bringing much needed improvements
  - the Board is fully supportive of any opportunity for continuing dialog regarding the porch design, should there be an appetite by Committee to consider the alternative design

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

Debate        The Committee considered this report concurrently with the report titled Application to Alter 255 Mackay Street, A Property Located in New Edinburgh Heritage Conservation District, Designated under Part V of the *Ontario Heritage Act* (ACS2017-PIE-RHU-0007)' and spent 22 minutes on the combined items.

Vote:         The Committee CARRIED the Zoning By-law report recommendations 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.