



City Councillor/Conseiller Municipal

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## OTTAWA PLANNING AND DEVELOPMENT

### Community Perspectives and Solutions from Across the City

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## Introduction

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During the municipal election campaign, some of the major issues we heard on the doorstep and throughout the city related to planning and development. Many residents felt frustrated by a lack of trust in dealing with developers and the city when a planning or development issue occurred in their neighbourhood.

To that effect, one of our campaign promises was to hold a forum of community experts, as well as those who have, in the past, been heavily-involved with issues pertaining to planning and development throughout the City of Ottawa.

The meeting was held within our second week of office, on the morning of December 15th in the Colonel By room at City Hall. It included approximately 30 expert community planning representatives from across many wards in the city, city staff and elected officials. In the first part of the meeting, participants brought forward problems that they had experienced through the planning process. The second part included a breakout session, during which participants came up with potential solutions to the problems that were noted in the first portion of the meeting. We then moved into a brief discussion on the city's Official Plan, followed by a question-and-answer period. The focus of this document will be on synthesizing those parts that dealt with the issues and solutions that attendees brought forward.

If you would like to read the discussion on the Official Plan, it is included in the minutes of the meeting which can be found as an Appendix to this report.

This report is divided into two sections: *Section I: Issues Regarding Planning and Development* and *Section II: Recommendations and Solutions*.

## I. Issues Regarding Planning and Development

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### **Lack of Community Consultation and Transparency**

One of, if not, the most concerning issues raised was the exclusion of the community when making decisions around planning and development. Participants felt as though communities had been largely shut out of these discussions. Residents should be included in these discussions, as some of the changes made by council, city committees and other governing bodies directly affect the residents.

For example, one participant brought up the experience of some residents in Old Ottawa East. Residents were led to believe that the designation of a large 13-acre portion of land had been determined just a few years ago, after four years of community input. The city subsequently amended the Official Plan, clarifying that nine storeys were the acceptable limit. This upset the community, as they trusted the process when informed that a limit of six storeys was in place. Now that it is clarified that there is a limit of nine storeys, residents worry that there is nothing stopping a developer coming back and demanding that it change again to increase their profits. This, according to participants, is a common occurrence, where city committees that deal with planning and development often rule against community needs and desires in favour of the wants of developers.

There was a consensus around the table that the Official Plan needed to be updated to better reflect the needs of neighbourhoods and communities. Many agreed that it was outdated.

Ultimately, much of the trust that communities had in the system has been lost as they feel as though they are gradually and consistently losing influence. Residents are discouraged from participating by the complicated nature of navigating the city bureaucracy and by the sentiment that attempting to change an application is futile.

### **Developer Influence at City Hall**

Participants at the meeting echoed much of what was heard during the 2018 city election: That developers have too much power at City Hall, that their donations during campaigns were meant to influence and that this impacts public perception of planning committee decisions and rulings, and the actions of the political leadership at City Hall.

Congruent with the last point, it is believed that developers do not respect the work of communities, often ignoring Community Design Plans (CDPs), Secondary Plans and the Official Plan when it is profitable to do so. Zoning bylaws are regularly broken to favour developers, which often leads to a lack of certainty and clarity in the planning process for residents of the city.

Developers often succeed over the interests of communities because the process can be difficult to navigate for residents, as there is insufficient instruction or assistance.

Residents do not have access to the same resources as large developers, e.g. legal support, and it should be up to the city to provide guidance on how the process works.

This situation has been worsened since the provincial government eliminated funding for residents who wish to make an appeal to the Local Planning Appeal Tribunal.

The makeup of council committees was also raised as an issue. Infill development is happening at a torrid pace in specific wards. Despite this, most of the members of the planning committee reside outside of these wards. Participants stressed the importance of the need for better representation when deciding on development applications, as is currently the case for rural developments.

### **Affordability**

Participants also had significant concerns about affordable housing—or the lack thereof—in the city. Ottawa is facing a housing crisis, yet developers continue to build luxury units, sometimes without any commitment to affordable housing. Alternatively, they may initially make commitments, but do not ultimately follow through with them. Participants agreed that development should not solely focus on maximizing profit; it must also include the provision of services, if we truly want to reduce homelessness and housing insecurity in our city.

It is important for residents to have housing security, and that requires affordable and predictable housing costs, especially for those on fixed or declining incomes. This can start with not only more investment but also the introduction of inclusionary zoning.

## II. Recommendations and Solutions

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### **Breaking Up the Planning Committee**

As mentioned in the above section, the current makeup of the planning committee is not representative—there is currently only one urban councillor on the committee—and no alignment with where intensification is occurring. The stated purpose of the Planning Committee is “to review and make decisions on the merits of development applications and policy with an urban focus.”<sup>1</sup> It seems very counterproductive, therefore, to leave out most of the urban councillors.

Further, the planning and development of the city affects urban wards differently than rural and suburban wards, and committee composition should reflect that reality. There is a separate committee that deals with development for rural wards (Agricultural and Rural Affairs Committee or ARAC), surely we can have one more committee to deal with non-rural issues.

The councillors making planning decisions should be representative of the wards in which the developments are taking place. The terms of reference for these new committees could echo those of ARAC, making it responsible for the unique interests and requirements of those wards, and ensuring their concerns are being considered when decisions are made at committee and at council.

There is further evidence at City Hall of a representative model. It is the makeup of our Committee of Adjustment with three distinct panels deciding on urban, suburban and rural applications respectively.

Planning Committee is the busiest committee at City Hall and it would make sense to spread out this workload to councillors who actually represent those areas.

### **Greater Transparency**

It is clear that greater transparency is needed at City Hall. Residents feel as though their concerns are often ignored, while the concerns of developers are prioritized.

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<sup>1</sup> *Planning Committee and Agricultural Affairs*, City of Ottawa Website, 2018.  
<https://ottawa.ca/en/city-hall/planning-and-development/information-developers/development-application-review-process/planning-committee-and-agricultural-and-rural-affairs-committee>

The city needs to present greater opportunities for involvement and engagement, such as a greater number of public forums, better notification for planning sessions and participation in visioning exercises that hold a focus on concerns from the community. Communities need to know and feel that they are being meaningfully involved in the process—for example, a reform report could be tabled at planning committees on feedback from various communities throughout the city.

To further emphasize openness and involvement, a report could be sent back to the community to discuss how the community feedback shaped decision-making on the committee.

Another way to increase transparency of planning committees is to open the process of councillor nominations to all committees. As we saw at the beginning of this term of council, the process unfolded unilaterally and in an autocratic manner. Members of council, or at least members of the nomination committee, must be given a greater say in the process and must hold more meaningful and inclusive good faith discussions of the composition of committees, as this will influence city business for years into the future.

Finally, an advocacy centre could be established by the city with a focus on citizen engagement with planning and the LPAT (Local Planning Appeal Tribunal). The advocacy centre could help citizens navigate the planning process. Often, residents do not have the same financial and legal capacity to make their case at an LPAT hearing compared to large development companies. An advocacy center—with experts who can assist residents, provide expertise and offer information sharing in an impartial way—could help level the playing field.

### **Grassroots Approach**

It is clear that we cannot rely on council and legislative approaches alone to tackle the issues around planning and development at City Hall; it must be coupled with a certain degree of grassroots citizen mobilization.

Grassroots mobilization can manifest itself in several ways. Advocacy directly to city councillors on behalf of community associations can be an effective means to get a point across; however, further mechanisms are required to ensure that residents feel heard and that their voices matter. Petitions with teeth—petitions which have binding

authority to affect a decision—can be another effective organizing tool. For example, if the city can respect the outcome of successful petitions to change parking rules on a residential street, then the planning committees should be able to respect the outcome of petitions to oppose development applications by sending back applications to developers for more consultation, encouraging them to alter certain aspects of the building design.

Finally, the possibility of a citizen-written guide on the development process was also discussed at the meeting in a separate section of the agenda. This guide would aim to explain different concepts to residents, including, but not limited to, such information as the definition of a Traditional Main Street, how the planning committee works in practice and the four tests of the Committee of Adjustment. Understanding of these essential concepts is important for residents to be able to avoid being overwhelmed by developers who have mastered the vocabulary, technicalities and minutia of the planning process.

### **By-Law and Other Legislative Changes**

Changing by-laws is one of the most direct ways to have an impact on the development process.

One of the potential by-law changes that was brought up was a change in inclusionary zoning to make sure that at least 25% of new builds would be geared towards affordable housing, a change that is sorely needed in the city.

Participants also raised concerns around the state of buildings in the city and making by-laws that take care of vacant buildings, assuring that they are not left to become blights in the city.

Lastly, there must be improvement towards transit-oriented development in the wake of LRT; legislative proposals could be a good way to implement this. One idea brought up during the meeting was differentiated parking rates around transit-oriented developments.

### **Increased Focus on the Environment**

Along with affordability, environment must also be one of the primary concerns when looking at new developments, and the development and planning process. In the wake of the IPCC report, the environment must be a primary concern for this term of council. This was agreed upon by participants at this meeting.

Maintaining greenspace must be a large focus of all developments in rural, suburban and urban wards. Strengthening and enforcing tree by-laws so that our trees can be protected more rigorously should be a priority at the city. We must maintain our urban tree canopy, rather than cutting down trees for the sake of convenience.

It is important to maintain greenspace, but we must do more. New builds must reflect environmental standards and demonstrate a high degree of energy efficiency. Similarly, older buildings must also see improved sustainability and energy efficiency. The city must more actively engage in retrofitting its older buildings, so they are up to the same standards as newer builds.

Lastly, the council and the rest of the city departments must apply a “climate lens” to all projects. This lens must be applied to all committees.

### **Looking to Other Cities**

Throughout the discussion, participants often brought up examples from other cities, not only in Canada but around the world. Looking at best practices from European cities, for example, can help our city be innovative in improving the planning process.

There is much that can be learned from other cities. Ottawa is not so distinct from other municipalities that we cannot benefit from the experience of other cities, and where Ottawa does differ from other jurisdictions, their experiences can be adapted to suit the Ottawa context.

## Conclusion

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Participants agreed the planning and development process as it currently exists at City Hall is broken for several reasons—but the main concern that was underlined throughout the discussion was the lack of a focus on community and neighbourhood interests by the city.

Participants felt as though other interests, mainly those of developers, outweighed their own. This has manifested in many aspects of the workings at City Hall, including the composition of committees, the power dynamic at the LPAT, developer executives funding election campaigns, and loopholes in Secondary Plans and the Official Plan which are often exploited. All of these aspects of City Hall must be modernized and democratized to better serve and represent the interests of the community.

Affordability of housing was also a principal concern that attendees addressed. The city is in a housing crisis and development needs to be viewed as a means to curb this trend, rather than exacerbating the problem.

Solutions and recommendations can be made to confront these concerns. The most concrete proposal at the meeting was to break up the Planning Committee, following the model of ARAC and Committee of Adjustment. This would ensure fairer representation in the decision-making process.

Solutions brought forward also reflected the importance of greater community inclusion and the need to mobilize residents throughout the city. Transparency and openness will be key to improving the planning process.

Lastly, the application of a climate lens when looking at development will make sure that new developments are sustainable and bring us to the new energy future that we need. Climate change is the greatest threat facing our city, and the planning and development process must directly reflect that.

Hopefully this discussion, report and subsequent actions will reflect a broader trend in city governance, leading to a firm commitment to democratize Ottawa City Hall, and improvements to openness and transparency.

## APPENDIX—Meeting Minutes

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### **Meeting Minutes: Problem Solving for Planning and Development Meeting**

**Location:** Colonel-By Room, City Hall (110 Laurier Ave W)

**Date:** December 15<sup>th</sup>, 2018

**Time:** 10:00 a.m. - 12:00 p.m.

- 1. Welcoming Remarks from Shawn Menard**
- 2. Introduction and Welcome from Faciliatory, FCA President Sheila Perry**
- 3. Introduction of invitees and identification of problems with planning and development**
  - Participant 1
    - Participatory planning needs to change
    - Residents need to be included more; if people are affected by the change, they should be included from the beginning because they must live with it for the next 30-40 years
  - Participant 2
    - Applicants can hire someone to appear in front of the committee even though they don't accurately represent the problem
    - This system is flawed
  - Participant 3
    - The goal of intensification needs to be clarified
    - Zoning doesn't reflect the goal of intensification
    - The representation of the planning committee should be more like the justice committee, with urban and suburban representatives
  - Participant 4
    - Transparency
    - Lack of local plans for community phases, and Official Plans
    - Disconnected and outdated plans with the community
  - Participant 5
    - Inconsistency in Official Plan theory as well as between the Official Plan and the social plans
    - Developers come in with entitlements
    - The city continues to create exemptions, e.g. Traditional Mainstreets are being ignored
  - Participant 6
    - Affordability is a problem
      - Of the three solutions to address affordability via land availability: Urged you to actively resist expanding the urban

boundary (for all of the obvious reasons); and that there has been an over-reliance on intensification on mainstreets, arterials and large parcels of land (such as Oblates and Lansdowne); leaving managed infill in existing neighbourhoods as the remaining option that needs a lot more consideration than it has received.

- Participant 7
  - In governance, there is a gap between the word and the deeds; governance should also have very limited involvement and should be more responsive to residents
  - Official Plan needs to be updated to be community and neighbourhood-centric
- Participant 8
  - Remember planning summit in 2012, lots of CDPs, etc., promised that we're going to have certainty. We might be further away from certainty than ever.
- Participant 9
  - Development is causing people to be parked out all day
  - Buildings are being built too tall for the neighbourhoods they're in, e.g. we don't want 65-storey buildings
- Participant 10
  - What makes a minor variance?
  - Economic improvement entails removing parking, but they keep adding some
  - We need to move people away from cars
- Participant 11
  - The miscommunication within the city, or lack of communication, leads to problems
- Participant 12
  - Lack of certainty, resulting in non-updated bylaws and the Official Plan not aligning
  - Everything right now is spot-zoned
  - Development influences City Hall, with only one urban councillor on the Planning Committee, and only one of which hasn't taken money
- Participant 13
  - The buildings are bought and then left to be torn down
  - Restoring trust in our system entails increasing the influence that communities have in final decisions
- Participant 14
  - Echo everything said by others
  - Heron Park has many students, so developers come in and take family homes to build homes without any amenities or common spaces because students can take the LRT

- Real inequity between voluntary community people and city lawyers at LPAT
- Participant 15
  - No decent LRT connections for Overbrook
    1. This will require enormous intensification and density
    2. Not against the intensification, but it must be achieved without fracturing the community; urbanization while maintaining community
    3. Otherwise, ghettoization will follow
    4. Building Better Revitalized Neighbourhood Program, or something similar could be implemented
- Participant 16
  - We have no trust in the system, we (residents) need to be respected
  - Long-term commitment; the City doesn't care what developers do to the community
  - The applicant should be making all plans public
- Participant 17
  - New buildings are often ugly; not opposed to new buildings, but wants attractive new buildings
- Participant 18
  - The environment and community impact must be made the priorities
  - The planning process is biased for developers (money, expertise, etc.) and communities need assistance
- Participant 19
  - We need greater public engagement and less dismissal at the city
  - Exemptions have become the norm
  - Finding development applications online is difficult
  - Brand new developments made zero effort to adhere to the community
- Participant 20
  - The entire planning process is broken
  - The outcome doesn't match the plan
  - General ugliness and lack of design and beauty in the city
- Participant 21
  - Lots of secrecy within the system, in terms of the decision-making processes
  - The Mayor's office needs to be more transparent
- Participant 22
  - We need an international best-practices tune-up, such as Oslo and Helsinki
- Participant 23

- Disconnect between the planning and the implementation of those plans
- Ottawa becomes like Toronto, Vancouver; how do we stop this?
- Wants more affordable housing
- Encourage small infill for children
- Participant 24
  - Too much influence from developers
- Participant 25
  - The planning act says that we have a policy-led system, but has the policy stacked the deck?
  - Developers buy properties from other developers
  - Property taxes are so high that the developers are forced to build something on them to make up for it and make a revenue
  - Municipalities can sell upzoning, meaning that developers assume zoning means nothing
- Participant 26
  - Last October, the city amended the Official Plan to change zoning of Traditional Mainstreets from six storeys to nine storeys without any consultation; will nine then become 12?
- Participant 27
  - Decisions are too technocratic, outdated zoning
- Participant 28
  - Disconnect between the Official Plan and practice
- Participant 29
  - Inadequate public engagement
- Participant 30
  - Process is broken
  - Ugly buildings
- Participant 31
  - Transparency at Committee of Adjustment

#### **4. Breakout session for solutions and recommendations for planning and development**

- Participants convened into groups to discuss solutions

#### **5. Presentation of recommended solutions**

- Group 1
  - Need an ongoing forum to have these issues be addressed
  - Need an advocacy centre (LPAT is going in that direction)
  - Property taxation needs fairness
  - Background buildings can be a problem
  - Notion of visionary planning; what we don't like and what we do like
  - Full disclosure of plans

- Smart developments
- Group 2
  - Break up the planning committee into rural, urban and suburban divisions
  - Greater community input, how to get more and better consultation; more involvement; an important outcome should be a report that goes to planning committees that should also say how that feedback shaped the plan
  - Better resources for communities
  - Planning processes ought to look more at design for beauty, environment and health
  - Certainty in planning; plan not negotiate
- Group 3
  - Affordability and inclusionary zoning
  - Mixed communities (including mixed incomes, and diversity), which can be facilitated by design
  - Replacing existing housing should help with affordability
  - Properly assessing land value at the right time in the process
  - More public land use
  - City-led planning, no developer-led planning
  - Greater enforcement of bylaws
  - Lots of greenspace
  - Greater focus on climate change
  - We are piggy-backing on NCC greenspace
  - Imposing parking rates, especially around transit-oriented developments (TOD)
  - City reports commenting on community inputs
  - Greater clarity
- Group 4
  - Increasing certainty, by fixing zoning bylaws by testing them three dimensionally
  - Zoning bylaw should not be constantly negotiated
  - Three subcommittees to the planning committee (urban, suburban and rural) with fixed term limits, so that it isn't always the same people
  - Set maximum and minimum intensification targets
- Group 5
  - Needs to be advocacy effort by people who want change to really happen
  - FCA or another group needs to lobby rather than each community association doing it separately
  - Pressure all councillors to fix issues that are city-wide
  - Fixing the zoning city-wide to help the Official Plan
- Group 6

- Use prescriptive language in the Official Plan and secondary plans
- Planning staff should provide options in recommendations
- Look at best practices for liveable cities, such as cities in Europe
- Make an institution of design in Ottawa; a school of planning
- Provide resources to communities
- Create three planning subcommittees

## **6. Discussion on Official Plan**

- Alain Miguelez and Doug James discuss
- We are staff as well as citizens, so we listen to our neighbours
- The Official Plan is reviewed every five years, but we have been using the 1996 municipal regional plan for a long time now; creating a new plan will reset things and provide us with some stability
- Consultations for the new plan will begin in the new year
- The plan for beyond 2036 will be released in February, with a greater focus on climate change, housing, energy, infrastructure and other issues
- Planning the city for the future; for our kids
- We also look at cities that have a lot to teach us; an Oslo city planner was present
- We are the capital of Canada and we should be getting this right
- Intensification is always taken in when looking at zoning; looking at the infill in the new year to make sure that it goes within communities

## **7. Questions for Alain Miguelez and Doug James**

- **Q:** Is the city looking into getting certainty?
  - **A:** Zoning is numbers, which equals certainty. Certainty also means different things in different neighbourhoods, so there is unique policy to each context of the city because they are all different.
- **Q:** Where are the ideologies of the FCA in the policies and plans?
  - **A:** Policies should be embedded in the secondary plans. CDPs should be updated and all the effort should be invested to these plans.
- **Q:** What happens when developers challenge the Official Plan?
  - **A:** We have Ontario legislation in place.
- **Q:** Why are high-rises a given?
  - **A:** They aren't a given everywhere
- **Q:** How to we increase the responsiveness of new-policy inputs?
  - **A:** We are in a democratic system that every change needs to be gone over multiple times; it is the heaven and hell of it all.

## **8. Development and infill guide for residents**

- Participant:
  - Informed people make better decisions
  - What is the role of professionals, and what is the role of the public?

- What is a Traditional, or what is a Mainstreet? Communities need to understand these concepts quickly so that decisions about their community can be made to their own benefit.

#### **9. Next steps**

- A document will be created and sent out for review of two members who volunteered their time, before being finalized and released in 2019.