

Ministry of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> floor  
Toronto, Ontario M7A 2J3  
Date: December 9, 2022

**RE: 019-6163 - Gentle intensification, MTSAs, 3P appeals, subdivision meetings, Site plan, CAs.**

This letter represents the City of Ottawa's comment on ERO 019-6163. These comments should be read together with the City's comments under 019-6172, 019-6196 and 019-6141, as well as those submitted by the City of Ottawa to the Standing Committee on Heritage, Infrastructure and Cultural Policy on November 7, 2022.

***Addressing the Missing Middle:***

"Gentle intensification" allowed on all serviced lots.

- The City is **supportive** of the amendments to permit two additional units on serviced lots for a total of three residential units. However, the clarity from the Province would be helpful on whether the two additional units on the same lot as a detached, semi-detached or townhouse dwelling are considered principal or secondary units.
- The City is concerned about **unintended consequences** – specifically that these provisions would allow a detached dwelling, semi-detached or townhouse on residential lands that are planned for considerably greater density. Specifically, the wording in the approved language is, "the authority to pass a by-law under section 34 does not include the authority to pass a by-law that prohibits the use of..." The City would like clarity from the province on whether prohibiting these typologies next to transit in favour of mid- and high-rise development would now offend the *Planning Act*.
- If necessary, the City suggests a further amendment to the *Planning Act* to ensure that such an interpretation, which would compromise our housing goals, is not possible.
- The cumulative impact from these amendments has the potential to strain existing storm water management infrastructure. Master servicing studies and secondary plans may need to be revisited to confirm servicing capacity. As such, and as mentioned more in the City's response to ERO 019-6172, is why the City does not support exempting gentle intensification units from development charges.
- The cumulative impact of these new units will also put additional pressure on existing parkland and community facilities. The City does not support exempting gentle intensification units from parkland dedication or cash-in-lieu requirements.

### ***Higher Density Around Transit:***

One-Year Requirement to rezone designated MTSA areas.

- The City does not support the amendments that impose a one-year time limit on municipalities to pass a zoning by-law implementing its MTSA official plan policies.
- By requiring that the City rezone within one year, we are no longer incentivized to consider MTSA as part of a larger municipal comprehensive review, creating a piecemeal planning framework.
- Currently, the City has provided a general designation of lands and assigned population and density targets to hubs and corridors throughout the City associated with higher order transit. It is the process of the City to build on these general policies with secondary plans that provide more context and direction to the geographic circumstance. Zoning is then built on these secondary plan policies.
- By requiring the City to immediately zone on the basis of the more general Official Plan designation, we are disincentivized from introducing MTSA policy direction for any station or stop on our higher-order transit network unless we have both the secondary planning and zoning structure ready – or risk moving forward without a local policy framework to guide that zoning process.
- This will result in uncertainty, and a delay to the MTSA policy framework. Further, this would impact the opportunity for private development to move forward under a site-specific application. This represents a barrier to development as the MTSA policy framework may be compromised and not be in place to benefit site-specific privately-initiated zoning amendments.
- The City suggests exempting MTSA policy changes that form part of a municipal comprehensive review, so that they remain subject to the existing three-year timeline.
- Delaying MTSA designation in the OP would also threaten IZ policies, which rely on MTSA designation.
- The added appeal process for amendments passed after the one year limit is a barrier to increased housing opportunities, IZ units in particular.

### ***Third Party Appeals:***

Reinstatement of Third Party Appeals

- The city is supportive of the motion to reintroduce third party appeals.

### ***Site Plan – Exemption for Development up to 10 units, Architectural Details and Landscape Design***

Exemptions for up to 10 units

- The City acknowledges that this would reduce barriers to missing-middle housing forms but generally opposes this amendment from health and safety perspective.
- Blanket exemption will create fewer opportunities to review development for storm water management thus hampering the City's ability to manage existing flooding risks in identified areas, where stormwater controls beyond those available through zoning or building permit are required.
- This will also remove a tool that is used in areas with compromised hydrogeological circumstances or natural hazard to ensure that appropriate works are implemented on a health and safety basis.
- The City will no longer have a legislative tool to ensure that location-specific criteria such as stormwater, hydrogeological assessment or other matters of health and safety are properly managed for this form of development in existing neighbourhoods where they would otherwise go directly to building permit.
- The exemptions could also create an additional financial burden on the City arising from having fewer opportunities for acquiring ROW land through SPC for identified corridors.

#### Removal of exterior design review.

- The City is opposed to the narrowed ability of a municipality to regulate exterior design through Site Plan.
- Every city has examples of problematic developments that have impacted their surroundings and led staff to strive for better outcomes in context-sensitive design.
- Exterior design review has proven to be a vital tool in the successful integration of new housing in context sensitive urban environments leading to greater community acceptance of development and intensification and meaningful contributions to both municipal and provincial public health, social equity, climate change and economic development goals.
- If Ontario is to be a leader on the world stage it must have well-designed cities where people want to visit and where its residents have the high quality of life that well-designed neighbourhoods create.
- Exterior design review has proven to be a vital tool in the successful integration of new housing in context sensitive urban environments leading to greater community acceptance of development and intensification and meaningful contributions to both municipal and provincial public health, social equity, climate change and economic development goals.
- These changes impact design review for non-residential development as well, significantly overreaching the intent of Bill 23.

- Impact the City's ability to create desirable streetscapes and attractive spaces. These city features also support economic development and tourism.
- Constrain the City's ability to provide quality housing, risking the loss of walkable, livable and sustainable environments that are promoted in our New OP.
- Eliminate the City's ability to comment on – and challenge – the design merits of architectural and design proposals that do not properly consider context, for the city skyline, or its impact on the public realm.
- Compromise of the ambitions of the new Official Plan policy, various Secondary Plans, Community Design Plans, Design Guidelines and the general community desire to ensure neighbourhood character is a cornerstone of planning review.
- Compromise the sustainable design components of Ottawa's High Performance Development Standards.
- The City recommends that the Province revisit the amendments as soon as practicable and convene a working group with municipalities. Consider providing additional language specific to review of design elements and character to provide more specific scoping.
- The City further recommends that the Province reconsider the blanket exemption from Site Plan of new housing developments with less than 10 units.

#### Changes to wording to allow sustainable design review

- With respect to the new paragraph 41(4)2(d), as introduced by Motion 60.1 at Standing Committee, the City notes that the associated Building Code provisions should be updated to provide greater clarity on applicable provisions.
- The City would like clarity from the Province on the new subsection 41(4.1.1) to help adapt our site plan approvals process.

#### **Conservation Authorities:**

##### Change to review authority for Conservation Authorities

- The City supports the addition of “unstable soils and bedrock” to matters considered in permits, as this is good for slope stability hazards.
- The City is concerned that a single regulation for the entire Province, or even a regulation for each activity, will not be able to capture local conditions and constraints.

- Exclusion of CAs from review and comment on Drainage Act processes leaves municipal requests for Environmental Appraisals as the only tool to assess impacts of proposed or expanded drains on wetlands. This is an added expense to developers.
- If Ottawa is prescribed as one of the municipalities where activities approved under the Planning Act no longer require CA permits, the burden for the related issues, policy reviews, technical reviews shift to City planning staff. This could create an additional challenge in meeting the Bill 109 timelines for site plan approval.
- Increase risk to wetlands, floodplains, and watercourses in cases where CA permit requirements served as an important check on potentially impactful proposals.

Notwithstanding Royal Assent on November 28, 2022, the City of Ottawa looks forwards to opportunities to work with the Province going forward to ensure that the City remain financially whole and maintains opportunities to deal with exterior and sustainable design in a manner expected by our residents, and in line with the planning interests of the Province of Ontario.

Sincerely,

**Don Herweyer, MCIP, RPP**

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