



Centretown Citizens
Community Association

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Tom Whillans
CCCA President

May 8, 2017

Ms. Melody Duffenais
Office of the City Clerk and Solicitor
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Dear Ms. Duffenais,

Re: Comments on Section 37 Guidelines

The Centretown Citizens Community Association (CCCA) was very actively involved between 2011 and 2012 when the City was developing the implementation guidelines for Section 37 (S.37). We commend the City for undertaking this review and support many of the revisions proposed, including the creation of a S.37 Coordinator role. We would like to see clarification and/or modification in a number of areas.

Who is involved and when (6.)

A primary concern for the CCCA is that (although it may not have been the intention), the new guidelines appear to be a substantial weakening of the existing public consultation provisions.

Section 2.8 of the previous guidelines stated that "The Ward Councillor, community groups and area residents shall participate in determining what benefits should be the subject of negotiation between the City and the developer" (emphasis added). We ask that this text or its equivalent be retained in the 2017 Guidelines. Areas of particular concern are:

- The first sentence of the fourth paragraph states "At different stages in the S.37 process, the public may also be involved...". "May" is too optional. This section must be strengthened to clarify who and when. In particular, the current guidelines require the ward councillor to consult with community groups and this must continue.
- S.6.1 is also too permissive in saying "councillors...are encouraged" rather than "shall" and further on "the Coordinator can assume this responsibility" rather than "shall".

Threshold applicability (4.1)

The CCCA submission in 2012 identified concerns about the applicability thresholds for S.37: "The CCCA supports application of Section 37 to projects throughout the city but is concerned that the restriction to buildings of at least 7,000 sq. meters (75,000 sq. feet) combined with the 25% cushion would exclude too many buildings and also that developers would use these guidelines to shape new applications in order to avoid having to pay community benefits. **Therefore we propose that you either:**



Retain the 25% cushion in density and height, but reduce the eligible building size to 5,000 sq. meters;

OR

Keep the eligible building size at 7,000 sq. meters and eliminate the 25% cushion”

We note that the CCOC has recently recommended even lower thresholds with 3000 sq. m. and 10% instead of 25%. The staff report has rejected this proposal and states: “A fulsome review of the threshold could be undertaken in the future; however, any future review of the threshold should be completed independent of a comprehensive review of the guidelines and would take a significant period of time to determine the implications of lowering the threshold on a city-wide basis.”

We do not understand why this threshold review was not undertaken as part of the current review when this matter was flagged as one of the primary concerns about the guidelines 5 years ago. It is also disappointing that no data is included in this report to identify the number of applications over the past 5 years that were processed that did not get flagged for S.37 because of these thresholds. **We recommend that the City undertake a review of the thresholds within the context of the impact of the application of the existing guidelines over the past 5 years.**

Uplift value

While the new City proposals (5.1 - 5.5) improve the fairness of the calculation, the CCCA remains concerned about the use of “Draw-down factors”. In our 2012 submission, we stated:

“The CCCA is very concerned about the proposal to apply various factors to “draw down” the uplift value. For example:

- How will the uplift be adjusted for “age of zoning” or “retention or rehabilitation of built heritage?”
- What does “relevance of zoning to OP policy” really mean and how will it be assessed?
- How will community benefits within the proposed development be evaluated?”

In light of these concerns, **the CCCA recommends that the city either:**

Eliminate any “draw down”

OR

Document how the calculations and adjustments are done for each development and include this in the reports going to Planning Committee (so that we can monitor how this is being done over time)”

To the best of our knowledge, there is no publicly available documentation on how draw-down factors have been applied. Again, the CCCA would request that the City provide such information for the projects that have been approved to date.

Affordable housing (7.7)



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This section delegates decision making regarding the use of funds for affordable housing to the General Manager of Community and Social Services. The CCCA recommends to add to the final sentence “within the context of any relevant Community Design Plan and with concurrence of the Ward Councillor and consultation with relevant community groups,”

Although the inclusion of Affordable Housing in S. 37 as a community benefit is essential to promoting and including infrastructure for alternative funding S.37 should not be relied upon to provide monies or funding where strong municipal policies should be appropriately funding the initiatives and projects.

Changes to existing agreements (8.0)

The changes outlined in 8.1 and 8.2 should require consultation with appropriate community groups.

Thank you for your consideration in this matter. Please feel free to contact me should you have any questions or comments.

Sincerely,

Tomas Whillans
President
Centretown Citizens Community Association

cc: Planning Committee
Board of Directors
Steve Willis, General Manager

City of Ottawa
Centretown Citizens Community Association
Planning, Infrastructure and Economic
Development