

External Relations Committee Consultation Note

Public Participation in Planning and Development Process

INTRODUCTION

Bill 109 (The More Homes for Everyone Act) requires the City to speed up the decision-making process for development applications using strict time limits.

The City is preparing a response to Councillor Laine Johnson's Motion (PHC-ARAC203201-01) which expressed concern about the potential impact of Bill 109 on public participation in planning and development. The motion called on City Staff to:

“Undertake a fulsome review of the pre application program that involves community associations to assess the efficiency and effectiveness of the current process, examine potential expansion of the pre-application consultation program with Community Associations (CAs) and undertake an education, training and awareness initiative in relation to the program; and that the result of this review be reported back to Council within 18 months at the latest.”

Councillor Johnson aimed to bring forward how the City will explore expanding the pre-application process to all wards, ensure inclusion and equal access to participation beyond CA's, and ensure that dedicated volunteers and the public are confident that their input is well informed. She is looking to hear that staff have examined planning procedures to ensure that participation is meaningful and creates an opportunity for better informed, relevant public engagement. ([Johnson: Speed up housing — but with an informed public participating | Ottawa Citizen](#))

PUBLIC PARTICIPATION: THE DOMINANT CONCERN

Before sharing our feedback on the Pre-Consultation/Pre-Application process, FCA members are concerned about the effectiveness of a non-transparent process as a tool to meet the City's commitment to public participation in the planning and development process and to public consultation generally.

More than 85% of the City's consultations are managed by the planning and development staff. If the City is to gain residents' confidence that their knowledge and concerns are seriously considered, it must start with open meetings around development applications.

For authentic public consultation, Councillors must be able to have public meetings with developers, CAs, residents and other stakeholders affected by the proposed development.

FCA members want reassurance that these processes do not in any way replace public consultation for a specific type of development application required by City policy.

As we understand it, the City encourages developers to engage in confidential Pre-Application discussions with selective residents and then in Councillor-led public consultations regarding their proposed developments.

However, Provincial legislation does not require public consultation prior to an application reaching the Council Committee and Council consideration stages. Unfortunately, by then, the compressed statutory deadlines for Council decision makes the ability to engage with the public extremely limited. In addition,

applicants are no longer permitted to amend their applications (doing so would force a restart to the application process and payment of fees again).

As a practical matter, this removes both the incentive and the ability to engage meaningfully with the public. While Councillors can bring forward motions at Committee to amend an application, a Councillor has a limited period to consult with constituents, which serves no one's interest.

Questions:

Is there anything in legislation to prohibit a municipality, be it by passage of a bylaw; by Official Plan amendment; by a policy statement (for example in the on-going public engagement review); or otherwise, from "requiring" public consultations as a precondition for the city deeming a proponent's development application to be complete?

If there is no such prohibition, why not prescribe the requirement for developer public consultation?

If on the other hand, there is such a prohibition, where is it found in Bill 109, Bill 23, or elsewhere?

Is any such prohibition unambiguously prescriptive? What workarounds might there be that would better preserve meaningful public engagement without compromising the public interest in more homes built faster?

THE PRE APPLICATION-PROCESS (SP)

City Objective: "to encourage community involvement and provide a greater level of transparency during the process while respecting the confidentiality of technical, commercial and financial information that third parties provide to the City." (Sample NDA August 2023)

1. Questions

- a. The City PPT states "Disclosures to the CA members with an NDA is allowed but not disclosure outside the CA to persons with or without an NDA." Please clarify if CA members can speak with other CA members with NDAs in adjoining communities affected by a development application and CAs affected by the development from both sides of a main road even though in different wards. Will inclusion of multiple CA's affect the number of representatives allowed for each CA? Please clarify how the inclusion of CAs be determined?
- b. We understand that City staff will recommend an expansion of the pre-consultation process to all CAs. Is this correct?
- c. CAs without access to the NDA program are experiencing high incidence of development starts. Please clarify when the program will include all CAs. Can this be before the fall?
- d. TRAFFIC IMPACT ANALYSIS (TIA): Is it possible to offer comments for the TIA in advance? CAs have found inaccuracies e.g. TIAs do not include new developments affecting traffic and depend on old traffic data even as far back as 2017. Morning and afternoon peak hour traffic is included for commercial strips that peak at noon. Can we request current traffic counts?
- e. URBAN DESIGN REVIEW PANEL (URDP): What are the procedures for notifying community association NDA signatories and for their on-line attendance as observers following Council approval of the UDRP update.

2. Suggestions :

- a. Councillors' engagement lends legitimacy to City consultation processes. We strongly encourage the City to ensure that Councillors can hold public meetings prior to City approval of a Site Plan Application.
- b. Developers should be required to meet with the relevant Councillors, and before submitting Site Plan Applications for approval to ensure that they can benefit from local knowledge and consider local concerns.
- c. City to require applicants to consult with the broad community (the public) before formally applying. Engagement before the application is "deemed complete" would facilitate a dialogue with residents based on a draft application once the applicant has had time to absorb the City and CA comments. This applies especially to the infill as it is more nuanced.
- d. We welcome further education and information tools for CA's and the public to better understand steps in the overall planning process as set out in the recent Acts passed which change municipal planning and development. All CAs should have access to clear interpretations of acts:
 - i. Bill 23, More Homes Built Faster Act, 2022
 - ii. Bill 39, Better Municipal Governance Act, 2022
 - iii. Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023
 - iv. Bill 150, Planning Statute Law Amendment Act, 2023
 - v. Bill 109, More Homes for Everyone Act 2024
- e. Create easy to follow citizen on-line guides on the new planning regulations.
- f. Continuously improve training by consulting regularly with NDA signatories for feedback; quickly increase numbers of training sessions to reach new CA participants.
- g. Alas review planning primers and bring in outside speakers (e.g. planning consultants and architects) to training sessions.

3. Concerns

- a. The HAF agreement between the City and the Mayor has not yet been made public. When will it be made public? What is required of the City and what remains open?
- b. Pre-consultation meetings have typically lasted about an hour. One hour may be too limited when restricted to over four storeys and the only opportunity for a robust discussion with the CA, developer, and City.
- c. CAs are not full participants in Pre-Application meetings and are relegated to speak at the end of the meeting. CAs should be equal and fully participate in the Pre-Application meetings.
- d. Larger projects take years after the after OPA and Bylaw Amendment Approval. Increasingly these large projects are built in phases with their own site plan approvals. CAs endurance and capacity to follow these plans and approvals over the years is a major

challenge. Any support from the planners to new volunteers taking over project files would be most appreciated.

- e. The CA reps must be given the opportunity to review the minutes of each meeting.
- f. CAs should be able to contribute to and have access to Planners reports on the Pre-consultation meeting and their recommendations.
- g. It would be useful to understand the applicant's take ways from the meeting. We suggest that developers prepare a "What We Heard Report" to be reviewed by community participants prior to submitting their application to City staff and Councillors.
- h. Other large projects only go through the Building Department permit process. It is expensive to access information on the proposed projects only covered by a building permit. Councillors should have access to the building permits. City staff is encouraged to review the demolition and building permit process to improve transparency.
- i. The CAs and the public should have adequate time for review, consultation and to respond to applicants' documents. CAs representatives with NDAs need access to planners for explanation of document purpose and content.
- j. Community representatives deserve respect in consultations with planners, Council Committees and at City Council meetings. All staff need to understand the City Public Consultation Policy. The current revision of the policy needs to clarify staff responsibility to build trust in the City through effective consultation. Staff meeting with the public be trained in effective and authentic communication and meeting facilitation or have neutral support to facilitate public consultations.