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Department of Urban Planning and Public
Works

Ward/Quartier
City Wide

- Planning and Economic Development
Committee / Comité de l'urbanisme et de
l'expansion économique

Information

Public Consultation for Development Applications

Consultation publique pour les demandes d'aménagement

Information

Background and Issues

On August 25, 1998, Planning and Economic Development Committee (PEDC) directed staff to report on two issues: first, a proposal to reduce the delegation of authority for Site Plan Control Approvals; and second, concerns raised by the public regarding the public consultation procedures for development applications.

Regarding the first issue, concerns had been raised by the Environmental Advisory Committee (EAC) about the fact that substantial residential developments can be approved at the staff level and therefore do not require the review of publically elected officials, nor is there an opportunity in a public forum for open debate on the merits of a proposal. The EAC had recommended that all residential developments containing 10 units or more should be brought to PEDC for consideration. Further, the EAC felt that the public should be made more aware of who has the approval authority for a particular site plan control application and that better information be provided regarding the lifting of delegated authority.

With respect to the second issue, letters had been received from various members of community associations which contained a number of general concerns related to:

- the insufficient information provided in the early notification letters to community associations with respect to Site Plan Control proposals;
- the need to have clear, concise and community-friendly information for the public for all types of development applications;
- the manner in which staff respond to comments made by the public in their reports; and
- the need to improve communications with community associations during the various stages of the development review process, particularly during the pre-consultation stages.

Departmental Response

Departmental staff have discussed with the representative of the EAC and representatives from a number of community associations the various concerns regarding the public consultation procedures. The following is our response to these concerns:

Delegation of Authority for Site Plan Control Approval

In terms of the proposal which would have the effect of requiring PEDC approval for residential developments of 10 units or more, staff reviewed similar types of developments which had been processed over the past year. It was identified that in many cases, there were no concerns raised by the EAC or community associations. Reducing delegated authority as proposed would result in longer processing timelines and increased administrative costs because these non-controversial developments would have to proceed to PEDC for approval.

For these reasons, the Department does not support the lessening of delegated authority and prefers to continue reliance on the ability by PEDC to withdraw delegated authority when it is considered appropriate. Staff have discussed with the representative of the EAC the possible delays and costs related to their proposal. There was some agreement that instead of modifying delegated authority, the existing public participation process needed to be improved, and more specifically, the public should be made more aware of how delegated authority works and how it can be withdrawn. While the community associations that were consulted also indicated a desire to have changes made to delegated authority; all felt that regardless, improvements were necessary to the City's public consultation for development applications. Therefore, it is in the area of improvement to the processing of applications, particularly Site Plan Control applications, that the Department feels opportunity lies rather than in the lessening of delegated authority.

Public Consultation Process for Development Applications

In 1994, an implementation programme was put in place in response to the recommendations made by the "A Better Way" Task Force which was created by City Council to establish an "agreed upon" development review process which was to be transparent and informative, efficient and effective, and service oriented.

While parts of the programme have been implemented (such as the establishment of a Development Review Group, the preparation of an Internal Operations Guide, the production of process charts and accountability to established timelines and the increase in time for the public notification period from 21 to 30 days), there are other parts which have not yet been implemented.

In reviewing the concerns which were raised by community groups and the EAC, it is felt by both staff and many community association representatives that the implementation of much of the balance of the programme would go a long way to addressing the problems identified. Staff therefore intend to renew our commitment to the implementation programme of the "A Better Way" recommendations, with these initiatives, which are further detailed in

Document 1:

1. Facilitation of Information Exchange during pre-consultation between proponent and community association/advisory committee representatives.
2. New mandatory Information Exchange initiated by staff with community association/advisory committee representatives prior to public notification (written notice and posting of on-site sign) of development applications.
3. Changes to public notification letter and technical circulation providing better information in a user-friendly format.
4. A new Handbook to guide community association/advisory committee representatives through the development review process.

Anticipated Impact of Modifications to be Implemented

It is anticipated that the changes to be made to the public consultation process will have the following impacts:

- Proponents will be encouraged to pre-consult with representatives of concerned community associations and advisory committees.
- Community associations/advisory committees now will:
 - S** have more time to review proposals;
 - S** be better informed of proposals; and
 - S** be better equipped to participate in the process.
- There will be increased time demands on planning staff to facilitate and initiate information exchanges, which will be partly off-set with reductions in duplication of work involved in preparing circulations.
- More effective issue resolution through better understanding by all stakeholders of their respective points of view, including technical and financial constraints and broader policy considerations.

Timing

It is anticipated that the implementation of most of these modifications will take place within the next three months, as a number of administrative impediments must be resolved first (for example: the community association representative contact list will have to be more easily retrieved, a method of confirming that the proponent has in fact contacted the public must be devised, and confirmation will be required as to which community associations/advisory committees wish to take part in information exchange during pre-consultation or at the application submission stage). In terms of the completion of a Handbook, since this will require some additional consultation, this is intended to be completed by mid-1999.



February 1, 1999 (7:30a)

Edward Robinson
Commissioner of Urban Planning and Public
Works

FJ:fj

Contact: Françoise Jessop - 244-5300 ext. 1-3862

Financial Comment

There will be no additional costs as a result of this report.



January 29, 1999 (3:57p)

for Mona Monkman
City Treasurer

BH:ari

List of Supporting Documentation

Document 1	Modifications to Public Consultation Process for Development Applications
Document 2	Consultation Details

Part II - Supporting Documentation

Document 1

Modifications to Public Consultation Process for Development Applications

Information Exchange at Pre-consultation Stage

The development review process as proposed by the “A Better Way” Task Force had as its first segment a pre-consultation stage. This entailed an initial contact and preliminary discussion concerning a development proposal, referred to as an Information Exchange, which was at the proponent’s initiative. In addition to referring proponents to technical agencies and the ward councillor, planners were to provide a list of concerned community associations to the proponent in an effort to assist and encourage initial contact with the community.

While many proponents do discuss their proposals with City staff and technical agencies, and sometimes for complex proposals, a Development Review Group meeting is arranged; there generally has been little pre-consultation with the public.

It is intended to provide planning staff with the necessary contact information on community groups/advisory committee representatives in order that they may relay this to proponents. As well, a method to confirm that information exchanges have taken place will need to be devised.

Mandatory Information Exchange at Application Submission Stage

The process proposed by the Task Force did mandate an Information Exchange specifically targeted to the community associations shortly after application submission, if it had not been initiated by the applicant prior to this. This Information Exchange, post-application submission, was to be organized by the assigned planner and was to take place prior to the start of the early notification procedures (posting of on-site sign and written notice to concerned community groups). It could take the form of simply telephone contact with community association representatives or could involve a meeting of interested stakeholders, which was referred to as an Information Exchange Session. The purpose of this informal communication was to prepare the various stakeholders for the formal technical circulation and public notification of the application.

The time implications on the development review process were such that if the applicant did not meet with community associations during the pre-consultation stage, then the requirement by staff to undertake an Information Exchange after application submission could add up to 10 days to the application processing time lines.

The Information Exchanges which are to specifically involve the concerned community groups during this stage of the development approvals process has not yet been implemented. It is recognized that the benefit of formalizing this initial consultation with concerned community groups (and where appropriate, advisory groups as well), is that it will bring the stakeholders together earlier in the process and will allow for more opportunities to address various concerns. For community groups, this early consultation will allow them more time to consult other members of the community if necessary, and to more thoroughly review and be aware of all aspects of the proposal.

While the “A Better Way” Task Force intended that Information Exchanges should be required for all applications that proceed to PEDC for approval, it is staff’s intent that we would facilitate and initiate Information Exchanges for all applications that are subject to the City’s early notification procedures, regardless of approval authority.

Re-design of Circulations and Notification of Development Proposals

Another action as part of the implementation program of the “A Better Way” Task Force was to redesign the circulations that are sent out to the technical agencies and the notification that is prepared for the public. It was felt that these should be more user friendly and formatted so as to be conveniently faxed or e-mailed. Similarly, there was a need to encourage responses by the stakeholders to be forwarded to the planner by fax and e-mail, which is now easier to implement given the greater accessibility to e-mail in particular. As well, administrative duplication should be eliminated where possible to make more effective use of our resources, and staff have been making changes on an on-going basis in this regard.

Current Public Notification Format

The current public notification format consists of:

- a cover letter (typically two pages in length), in both English and French providing a description of the development application, an outline of the process, an explanation of how respondents will be notified and the name and contact information;
- a location map showing the site affected by the application or a copy of the proposed site plan;
- a process chart (double sided in English and French); and
- a yellow coloured comment sheet (double sided in English and French).

Proposed Public Notification Format

Staff intends to replace the public notification package with a one page, point form summary of the proposal, which would be in both English and French, and would have attached a location plan for most development applications, or the full scale proposed site plan, for Site Plan Control applications.

The summary would provide information on the site location, a description of the existing site development, the proposal and anticipated changes to the site, any concurrent applications, the approval authority for the application, time lines for comments and date of consideration and finally the contact name, phone and fax number and e-mail address. It should be noted in particular that for Site Plan Control applications, the current description of the proposal which in the notice is limited to the on-site sign wording, will be replaced with substantially more information on the site and the proposal.

Information on the actual development processes for use by community associations or advisory groups would now be included in a Handbook as described below and would no longer be repeated in each specific notice. For the general public who contact the assigned planner as a result of viewing the on-site sign, the information on the specific development approval process which would be in the Handbook could be forwarded with the one page summary of the proposal by mail, fax or e-mail.

The process chart that is currently sent with the public notification would be replaced by the two time lines in the summary of the proposal.

Comment sheets would no longer be included because they aren't often used. Staff will also be encouraging comments to be forwarded to them by fax or e-mail.

Circulations to Technical Agencies, Public Bodies and Advisory Committees

With respect to the technical circulations, while some improvements recently have been made to the circulation forms; the mail system continues to be used to forward these circulations. Responses are generally being mailed or faxed, with the exception of comments on Site Plan Control applications from the Regional Municipality of Ottawa-Carleton which are now e-mailed. This allows for the more efficient electronic transfer of regional conditions into the Site Plan Control approval report.

It is our intent to utilize the one page summary of the proposal that is already prepared for the notice to the public to replace the current proposal descriptions that are specifically prepared for the technical circulations. This will provide improved information to those receiving technical circulations and would eliminate the need to provide essentially the same information in two different formats.

In conjunction with the introduction of the Geographic Information System and the associated Development Tracking System application, staff will continue to find improvements to our circulation processes which would take advantage of these new systems during the course of this year.

Handbook on Development Review Processes

It was identified by both the "A Better Way" Task Force and more recently by the Environmental Advisory Committee and other community associations, that in order to enhance their participation in the development review process, they would need better information than what is currently provided in the public notification package.

The Department will prepare a Handbook which will contain information: describing the various processes, including generalized process charts; explaining how delegation of authority works and the process for its lifting; listing the roles and responsibilities of stakeholders, including community representatives and other interest groups; and referencing the planning policies and criteria used to evaluate proposals. This Handbook would also contain a list of key contacts of planners, technical agencies and elected officials. This Handbook would be distributed to all the community association and advisory committee representatives who review development applications.

This Handbook would replace the standard information on processes which is currently included and repeated in all notices to community associations, thus allowing for the reduction in length to a one page summary of the application.

Consultation Details

Document 2

Staff consulted directly with the Environmental Advisory Committee and those community associations that had raised specific concerns with the public consultation process for development applications as follows:

1. Environmental Advisory Committee

Staff had a number of discussion with Ms. Adrienne Scott, vice-chair of the Environmental Advisory Committee. Ms. Scott indicated that the Committee may be willing to reconsider their request for reduced delegation of authority for Site Plan Control Approval if improvements are made to the public participation process. Ms. Scott specified that new measures should be taken to inform the public with respect to who has approval authority for each application and to provide better explanations on the possibilities and process for the lifting of delegated authority.

2. Local Architectural Conservation Advisory Committee

Staff attended the December 1, 1998 Committee meeting to seek their comments on the proposal of the EAC to reduce delegated authority for Site Plan Control Approval. The Committee indicated that they always review important development projects and therefore they had no comments regarding this proposal.

3. Environmental Action Committee, Fairlea Park Housing Coop

Staff met with Mr. Bryan Hawley and Mr. Peter Stockdale of the Fairlea Park Housing Coop on October 19, 1998 to discuss a number of concerns regarding the public participation process:

- the “A Better Way” process for public consultation should be implemented, monitored and enforced;
- there should be explicit acknowledgement of the community’s input/contribution in the documents that are produced;
- the community is provided information but since participation means two-way dialogue, there should be active, meaningful and purposeful involvement of players on all sides;
- more time should be provided to the community in the notification of proposals, particularly for complex issues;
- notification to the community should be sufficiently detailed, particularly with respect to Site Plan Control applications, complete and in plain language so as to stand on their own;
- information in the notification must relate specifically to the concerns of the community, particularly with respect to environmental issues;
- the list of persons attending public meetings should be made available to community associations to allow the facilitation of discussion in the community;
- there should be an on-going peer review of the public participation process;

- there should be a public review of draft reports on planning matters in order to work toward consensus;
- public participation must be central to the development process, from beginning to end, from the generation of the development to the enforcement stages; and
- the inequities between communities should be taken into account in the design of the public participation process, assistance should be provided to those communities that have fewer and less stable resources upon which to draw.

4. Hintonburg Community Association, Dalhousie Community Association and Federation of Citizen's Associations of Ottawa-Carleton

On November 9, 1998 staff met with Mr. Jay Baltz of the Hintonburg Community Association, Mr. Peter Childs of the Dalhousie Community Association and Ms. Linda Hoad of the Federation of Citizen's Associations to discuss the public participation process for the review of development applications. Many of the concerns raised are noted in a letter prepared by the Hintonburg Community Association, as follows:

- notification to the community associations should occur prior to the posting of the on-site sign;
- information should be provided so that the association could contact the applicant;
- there should be better co-ordination of the posting of the on-site sign and final dates for comments;
- reports should not be prepared until after the end of the comment period;
- responses to public comments in reports have at times been superficial and dismissive;
- no representation should be given to applicants about the acceptability of their proposals until after the public comments are received;
- the planning basis and precedents for decisions should be provided in responses to public comments;
- the "A Better Way" provided that if community consultation is done, then the process is accelerated, currently all applications have been accelerated regardless of whether the applicant has pre-consulted with the community;
- the re-circulation of applications is inconsistent and a policy is required.
- the City's computer system should be designed so that information is easily available to the public; and
- provisions for the lifting of delegation of authority should be built into the process and that a point in time be designated to allow this process to occur.

In addition to the last point, there was a discussion of different ways of lifting delegated authority at the meeting. It was felt by the community association representatives that the community associations should have the ability to go directly to PEDC to request a lifting of delegated authority, or if there is significant public opposition or concern, there should be some mechanism whereby the application would automatically proceed to PEDC for a decision.

5. Greenspace Alliance of Canada's Capital

Ms. Shelly Parlour, Chair of the Greenspace Alliance of Canada's Capital was contacted by staff at the request of the EAC vice-chair. She made the following comments in response to their support of the EAC's proposal regarding delegation of authority:

- there is a need to protect communities where there is no active community association or where the ward Councillor is inexperienced;
- with respect to controversial developments where there are green space issues, there is a need for more public input and political accountability; and
- the criteria proposed by the EAC should be expanded to include commercial and institutional developments as well.

6. South Key/Greenboro Community Association

Ms. Barr, a Director with the South Key/Greenboro Community Association indicated in a letter that she has a number of concerns regarding the public consultation process, which are as follows:

- bringing Site Plan Control applications to PEDC provides an opportunity for further participation by the community;
- there is a need for effective participation by the public in all significant stages of the planning and implementation process, submitting written comments to the Planning Department does not constitute effective participation; and
- comments submitted by the public are brushed aside as if they were nuisances.