

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF subsection 17 (36) of the Planning Act R.S.O. 1990, c.P. 13, as amended

Appellants: Greater Ottawa Homebuilders Association, Zbigniew Hauderowicz,
Karson Holdings Inc., Ken McRae; and others
Subject: Proposed Official Plan Amendment No. OPA #76
Property Location: All lands within the City of Ottawa
Municipality: City of Ottawa
OMB Case No.: PL100206
OMB File No.: PL100206

WITNESS STATEMENT OF NANCY MELOSHE

4840 Bank Street Limited

A. Witness Qualifications

I am the Principal of Meloshe and Associates Ltd an Ottawa based urban planning firm. I have over 31 years of professional planning experience in the Province of Ontario, including consulting for public and private sector clients. I have extensive experience in municipal and policy matters and on private sector land use planning and development projects. I am a Registered Professional Planner (RPP) and a full member of the Canadian Institute of Planners (MCIP) and the Ontario Professional Planners Institute (OPPI). I have provided professional land use planning evidence at the Ontario Municipal Board on many occasions through my planning career. My curriculum vitae is attached as Schedule "A" to this, my Witness Statement.

B. Nature of Retainer

I was retained by 4840 Bank Street Limited in October 2011 to provide planning opinion evidence with respect to the methodology used to evaluate what lands should be supported as the 850 gross hectares of urban area expansion.

In formulating my opinion I reviewed a brief of documents including the Provincial Policy Statement, Official Plan for the City of Ottawa, Official Plan Amendment No 76 and the Leitrim Community Design Plan.

C. Summary of Methodology

The City staff report dated January 28, 2009 sets out the methodology and objectives for the identification of candidate areas. The assumptions were as follows:

1. The parcels must be a logical extension of the existing urban area;
2. No lands in an Agricultural Resource Area designation were considered;
3. No lands in a Natural Environment Area designation were considered;
4. Some Mineral Resource lands were included in the candidate areas on the assumption that the resources would be depleted within the planning period;
5. Virtually all lands in a General Rural Area designation abutting the existing Urban Area were included.

The objectives of the methodology used to identify candidate areas were as follows:

- To add small amounts of urban land to the boundary in the most locations;
- To reflect a logical extension of the Urban Area;
- To select areas that make the best use of existing available infrastructure capacity and community resources;
- To provide the highest probability of integration with the existing community;
- Lands should be developed within a reasonable period of time such as the next 5-10 years.

D. Issues List

Issue 11. Does the City's methodology provide appropriate consideration of the planned function of Urban Areas and/or communities?

The framework for the planned function of Urban Areas and/or communities is based on the policy directions found in the Provincial Policy Statement, the City of Ottawa's Official Plan and the Leitrim Community Design Plan.

Provincial Policy Statement (PPS) 2005

The PPS provides direction for Urban Areas and communities through its direction on promoting efficient development and land use patterns, infrastructure and facilities designed in a manner that accommodates an appropriate range and mix of residential, employment, recreational and open space uses to meet long term needs. (1.1.1)

Sufficient land shall be made available through intensification and redevelopment and if necessary, designated growth areas to accommodate an appropriate range and mix of employment opportunities; housing and other land uses to meet projected needs for a time horizon of up to 20 years. (1.1.2)

A full range of housing and densities are to be provided with a transportation system that is safe, environmentally sensitive and energy efficient. (1.1.3.2)

New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of densities that allow for the efficient uses of land, infrastructure and public service facilities. (1.1.3.7)

In my opinion the City's methodology does not provide appropriate consideration of the PPS in fulfilling the planned function of Urban Areas and communities.

City of Ottawa Official Plan

The City's Official Plan establishes a policy framework to guide development, manage growth and create liveable communities in the City over the next 20 years. The Plan moves from the general – Guiding Principles and Strategic Directions to the specific – Designations and Land Use.

The City's Official Plan is based on seven guiding principles which are to guide the municipality's day-to-day decision making. (1.3) These principles are: A Caring and Inclusive City; A Creative City Rich in Heritage, Unique in Identity; A Green and Environmentally Sensitive City; A City of Distinct, Liveable Communities; An Innovative City Where Prosperity is Shared Among All; A Responsible and Responsive City; A Healthy and Active City.

Of importance to the methodology to identify candidate areas is Guiding Principle 4 - A City of Distinct, Liveable Communities (1.6) which establishes that a mix of land uses, housing types, compact and inclusive development, clustering of neighbourhood facilities and services and excellent pedestrian connections make communities more complete as well as walkable.

Developing Communities have been designated outside the Greenbelt in the east, west and south. The Developing Community designation (3.6.4) identifies parts of the City that are undeveloped or substantially underdeveloped. Developing communities will offer a full range of choice in housing, commercial, institutional and leisure activities within a development pattern that prioritizes walking, cycling and transit over the automobile. The completion of a community design plan will be required prior to any development being approved in a Developing Community.

Community design plans provide the most specific criteria for areas identified for intensification and ensure planning policies respond to the specific needs and opportunities of those communities.

Although historically conceived as a village, an amendment to the City of Gloucester Official Plan redesignated Leitrim from a Rural Policy Area to an Urban Policy Area in 1990. Leitrim is one of the designated developing communities outside of the Greenbelt. It is a self-contained community and is envisioned to have a range and mix of land uses and housing types, in a compact and mixed use form, that cluster neighbourhood facilities and services and that have excellent pedestrian and transit connections.

The Official Plan designates the Leitrim Community as General Urban Area, Employment Area and Major Open Space. A Developing Community overlay designation also applies to a large part of Leitrim's urban envelope.

In my opinion the City's methodology does not provide appropriate consideration of the Official Plan in fulfilling the planned function of Urban Areas and communities. In my opinion the methodology does not have regard to the planned direction of growth.

Issue 12. Does the City's methodology provide appropriate consideration of applicable Community Design Plans?

The Official Plan anticipates that most of the change in the City will occur in the Central Area, Town Centres, Mixed Use Centres, Developing Communities and Mainstreets while safeguarding and enhancing the livability of our existing communities. (2.5.6) Community Design Plans (CDP) will be the backbone of any significant change in a community. The purpose of the CDP is to translate the principles and policies of the Official Plan to the community scale. Community Design Plans will conform to the Official Plan. The Official Plan requires that Community Design Plans indicate how its policies and guidelines will be implemented at the community level.

For example City Council adopted Official Plan Amendment No. 30 in 2005 to change certain lands on Schedule B within Leitrim from Employment Area to General Urban Area as per the recommended land use plan in the Leitrim Community Design Plan. The Leitrim CDP was completed in accordance with the Official Plan's direction that developing communities such as Leitrim include a mix of land uses and housing types, in a compact and mixed use form, that cluster neighbourhood facilities and services and that have excellent pedestrian and transit connections. The CDP projects an ultimate population of approximately 15,000 residents within Leitrim and approximately 5,300 dwelling units, 6,900 total jobs and 30,000 square metres of commercial retail floor space. Development within the Leitrim Community will be subject to all policies and guidelines of the CDP and any applicable policies of the Official Plan.

The CDP proposed that development be phased to provide for the continuous, orderly extension of the Leitrim Community to ensure the most efficient and economical use of existing and proposed infrastructure.

In my opinion the City's methodology does not consider the direction of applicable Community Design Plans in guiding future growth.

Issue 13. Should there have been criteria and weighting assigned to lands that can be developed in the next 5 years?

The evaluation criteria does not provide any weighting for lands that can be developed in the next 5 years. In my opinion criteria and weighting should have been assigned to lands that can be readily integrated into designated Urban Areas or communities in the next 5 years. These lands provide the highest probability of integration into existing or planned communities.

In my opinion lands which are available for development within 5 years would meet the following criteria:

- be fully integrated into a designated Developing Community;

- all municipal servicing is available;
- be surrounded or adjacent to planned urban development;
- have frontage on an existing and/or designated arterial road;
- be in close proximity to transit and a park/ride facility;
- are able to connect to planned collector roads from adjacent development.

Issue 14. Should there have been a criteria and weighting for the question of adjacency to the existing Urban Area?

In my opinion criteria and weighting should have been placed on the adjacency of lands to the existing Urban Area. Lands should have been weighted favorably if they are adjacent to the Urban Area and can connect to planned roads. In satisfying the test of adjacency lands that abut the Urban Area will have the highest probability of integration with the existing community.

In my opinion small additions of urban land supply immediately adjacent to the existing urban boundary fulfill the City's objective to select areas that make the best use of existing available infrastructure capacity and community resources.

Issue 16. Is the description of Accessibility to existing or planned retail/commercial area applied by the City the appropriate description for this criterion?

One of the City's evaluation criterion is accessibility to existing or planned retail/commercial uses and the threshold is the distance to a Mainstreet or Mixed Use Centre. The City has penalized lands in smaller communities that do not benefit or are not intended to benefit from adjacency to a designated Mainstreet or Mixed Use Centre. Existing shopping centres may fulfill the retail planned function of a smaller community and not be a designated Mainstreet or Mixed Use Centre.

In my opinion the description of accessibility to existing or planned retail/commercial area favours lands that are in close proximity to major retail facilities and does not favour lands in Developing Communities which provide for the development of complete communities offering a full range of choice in housing, commercial, institutional and leisure activities. For example the lands may be within walking distance to a future Mixed Use Centre as designated in a Community Design Plan.

Issue 18. Is the definition of Major Recreational Facility appropriate as it has been applied by the City?

There is no definition for Major Recreational Facility in the City's Official Plan. The Official Plan provides for Major Urban Facilities (3.6.7) but such facilities are major sports, recreational and cultural facilities of a scale similar to Lansdowne Park, Lynx Stadium, Scotiabank Place, the Canada Science and Technology Museum and Ben Franklin Place. If recreational facilities are a measure of integration with the community there is no guidance in the Official Plan to the size and scale of these facilities.

One of the City's evaluation criterion is Accessibility to Community Facilities and the threshold is the distance to a Major Recreational Facility. The evaluation criteria used by the City does not adequately consider smaller recreational facilities that adequately meet the needs of the local community and are used for a range of recreational, fitness and athletic activities.

In my opinion the definition of Major Recreational Facility for the purposes of evaluation has no basis in the Official Plan.

Issue 20. Was the City's application of historical land absorption rate an appropriate means for applying this criterion?

The City's methodology weighs favorably lands that will contribute to the residential land supply of 15-20 years. The methodology excludes land absorption as a criterion in communities such as Leitrim although these lands are planned and fully under construction. For example, in the period from 2002-2011, 2,075 residential units were constructed in the Leitrim Community. This build-out represents a land absorption of 124 hectares out of a total residential land area of 294 hectares. Assuming that 400 residential units will be constructed in Leitrim annually there is a 7 year land supply remaining.

In my opinion the City's application of land absorption rate is not an appropriate means for applying this criterion as it penalizes communities with a smaller total vacant land supply although it is clear in the case of the Leitrim Community that the available land supply will be absorbed within in 7 years.

Summary Conclusions

In my opinion the methodology used to evaluate candidate areas for inclusion in the urban boundary is not appropriate for the following reasons:

- The methodology does not consider the planned function of Urban Areas and communities because it does not have regard to the policy framework for directing and managing growth.
- The methodology does not consider applicable Community Design Plans which provide direction in guiding future growth at the community level in designated areas such as Developing Communities.
- The methodology does not provide any weighting for lands that can be readily integrated into designated Urban Areas or communities in the next 5 years.
- The methodology does not provide any weighting for lands that abut the Urban Area even though these lands will have the highest probability of integration with the existing community. In satisfying the test of adjacency these lands would make use of existing available infrastructure capacity and community resources.
- The methodology is not an appropriate description of accessibility to planned retail/commercial area as it penalizes lands in smaller communities that do not benefit from proximity to a designated Mainstreet or Mixed Use Centre but do have a planned and/or built retail/commercial centre.

- The methodology does not define Major Recreational Facility for purposes of evaluation and the criteria does not adequately consider smaller recreational facilities that meet the needs of their local community.
- The methodology does not apply land absorption rate appropriately because it penalizes communities with a smaller total vacant land supply although it is clear that in the example of the Leitrim Community the available land supply will be absorbed within 7 years.

In my opinion the City's methodology does not meet its stated objectives:

- To add small amounts of urban land to the boundary in the most locations;
- To reflect a logical extension of the Urban Area;
- To select areas that make the best use of existing available infrastructure capacity and community resources;
- To provide the highest probability of integration with the existing community.

E. Documents to Be Relied Upon

- a) Provincial Policy Statement
- b) City of Ottawa Official Plan
- c) Official Plan Amendment No 76
- d) Leitrim Community Design Plan
- e) City of Ottawa Staff Reports

Dated at Ottawa this 9th of December, 2011



Nancy Meloshe MCIP, RPP

Schedule A

Resume



NANCY MELOSHE, MCIP, RPP
Principal, Meloshe and Associates Ltd.

EDUCATION

Masters Degree, Environmental Studies
Specialization: Urban Planning and Public Policy
York University, 1979

Bachelor of Arts
Carleton University, 1976

PROFESSIONAL BACKGROUND

1991 - Present
Principal
Meloshe and Associates Ltd.

Responsible for planning of large, complex developments in a variety of urban and rural settings. Provide planning and development advice to both public and private sector clients and seek the necessary approvals through Committees and Council. Undertake major policy studies for all levels of government. Appear as an expert witness before the Ontario Municipal Board.

1984 - 1991
Director of Planning
Campeau Corporation, Ottawa

Responsible for planning, negotiating and obtaining all necessary approvals with respect to development lands and projects within the Corporation's Canadian portfolio. Directed staff and a range of consultants on a project basis. Conducted development feasibility studies incorporating financial analysis, municipal constraints and market demand forecasts. Undertook the necessary approvals and generated revenue to maximize the value of lands within the portfolio. Represented the Corporation before City and Regional Councils.

1980 - 1984

Neighbourhood Planner
Department of Planning and Development
City of Toronto

Prepared and presented major policy reports for Land Use Committee and City Council's approval. Organized and chaired public meetings and advisory committees. Consulted and advised municipal politicians, civic staff and the public respecting major planning and development proposals. Appeared as an expert witness before the Ontario Municipal Board and prepared the City's planning evidence for Toronto's Harbourfront Hearing.

1978 - 1980

Community Planner
Officials Plans Branch
Ministry of Housing
Queen's Park, Toronto

Responsible for the Metropolitan Toronto Region, reviewed all municipal Officials Plans within the context of provincial policy. Advised the Minister of Housing and made presentations to Cabinet regarding provincially significant development issues. Prepared staff reports respecting planning matters referred to the Ontario Municipal Board.

MEMBERSHIPS

Canadian Institute of Planners
Ontario Professional Planners Institute
Registered Professional Planner
Chair, Government Affairs Committee - Building Owners and Managers of Ottawa
Board of Directors - Dave Smith Youth Treatment Centre
Land Economics Society - Ottawa Chapter

AWARDS

Building Owners and Managers Association of Ottawa - Volunteer of the Year Award, 2002

American Society of Landscape Architects - Award of Excellence for Planning and Analysis:
Downtown Ottawa Urban Design Strategy 2004

Building Owners and Managers Association of Ottawa - Presidents Award, 2005

APPOINTMENTS

Mayors Task Force to Cut Red Tape, City of Ottawa, 2006