To: Carol Ruddy

cc: Vivi Chi, FCA Zoning & Planning Committee, FCA Board

Subject: Draft 1 Comprehensive Zoning By-Law

Carole,

First and foremost, on behalf of the FCA Zoning & Planning and Zoning Committee, I want to congratulate you and the entire team for drafting the proposed new Comprehensive Zoning By-Law. It could not have been an easy task.

To do so in ways that support  the new Official Plan's many commendable objectives (e.g. managing growth through gentle densification within neighbourhoods and focusing additional height/density in TODs, Hubs and  along Main Streets/ Corridors; remaining responsive to environmental sustainability concerns; to climate change mitigation & adaptation; protecting greenspaces; promoting housing affordability; supporting local food production; supporting public transit) while, at the same time, shifting largely from use-based to form-based zoning is no small accomplishment.

My purpose is writing to you today isn't to comment on the details of the draft text. Others undoubtedly will do that. Instead, I want to focus principally on process considerations, particularly on public engagement concerns related to the overall length, complexity and cumbersomeness of the draft.

If the goal is widespread public engagement (and, for so important a document, it certainly should be) then the draft needs to be much more user-friendly for the general public than it currently is.

Every resident in the City will be affected by the new By-Law, either directly or indirectly. Consequently, it is vitally important that the Zoning By-law be more than a rule-book for developers, real estate lawyers, the Committee of Adjustment, and other planning specialists. As explained in the draft, the document was written in plain language with the general reader in mind. All well and good but, notwithstanding that commendable goal, it is no easy read. Far from it.

Moreover, the text, once approved, unavoidably will have a life of its own and will be interpreted in no end of unintended, imaginative, ways.

For greater ease of understanding as well as to minimize the risk of unintended negative consequences, the document needs much more explaining in the staff Notes - - -and not just for the uninitiated.

Readers are often invited in the staff Notes to compare the new draft text with the current Zoning By-Law. The intention is a good one. However, as a practical matter, aside from perhaps a few zealot readers with much time on their hands, planning-school students and their teachers, as well as for those with a professional/financial stake, very few will have the patience or determination to avail themselves with the previous Zoning By-law and then to do a line-by-line comparison. Genuinely meaningful public engagement requires considerably more than providing information. The two are not the same and one is no substitute for the other.

Not everyone who needs to know about the new Draft Zoning By-Law stays tuned to the "Engage Ottawa" portal. More advertising in traditional and in social media is needed, especially the latter if one aspires to attract the attention of younger audiences, many of whom are only starting to get into the housing market.

Well-informed public consent requires more than holding sparsely attended public meetings (typically two or three Councillors holding joint Ward-wide sessions where maybe 20-50 or so people show up for about 90 minutes; perhaps with staff in attendance to provide technical support).

Such sessions, given the time constraints, no matter how well-intentioned, provide little practical opportunity to ask questions and have them answered in any detail. Admittedly, readers and online public session attendees are able to write to staff with their questions and/or concerns but that is no adequate substitute for in-person conversation with the opportunity for direct interpersonal give-and-take.

In short, what's needed is more effective communication; a maximal effort to engender widespread stakeholder participation; and, of course, readily available indices of accomplishment. (i.e. jointly developed, measurable, relevant, timely, & publicly trackable results, say on the City's Open Data portal) as well as a commitment to initiate a mid-course correction within a year or two if core OP objectives prove unlikely to be met. None of that appears to be on offer.

Also needed is a timely "What We Heard" report, ideally after each public consultation, including an explanation of what staff does/does not be supporting to change in Draft #2 and why that is so. Is this the intention?

By all accounts, a large majority of the general public remain unaware of the draft's existence. Far too many today remain unaware of the opportunity to comment on the draft by-law before the first draft is cemented as Draft #2 next year.

Given the draft's density, odds are that even the relatively few of those who are aware of the availability of the draft text will have the inclination, let alone the stamina, to glance at more than the Zoning Map and maybe a few pages of text at most. That would be a pity and a needless one at that.

To illustrate some of our concerns:

\* The document search tool is not as functional as it could/should be. There is no "Next iteration" button. For example, the term "Planned Unit Development" (PUD) appears 32 times in the 288 page text. Absent a Next Iteration function, one is left with no choice but to manually search the entire document.  This should have been an easy technical fix prior to distribution. Absent that fix, many will likely just give up. Undoubtedly, some already have.

\* Even assuming all have access to a computer and are tech savvy enough to access the relevant website, the Zoning Map is also a far-from-easy read. Find an explanation for the zoning code applicable to one's own dwelling is doable but not on the map itself.  Obtaining a transect-wide or City-wide understanding of the implications is harder still.

\* Except in the rural areas, boundary roads that affect zoning, are not labeled on the map; nor or elsewhere in the Appendices. That too should have been fixed before public distribution. It would have been helpful to include a more informative Map legend, including an explanation of the many zoning codes which otherwise require finding them in the text, one that, for many, will  remain unread.

\* Some Overlays remain. Others have been deleted. In the case of the "Heritage Overlay", the deletion is explained (i,e provisions are covered in the Heritage Act). However, nowhere is it said whether the deletion makes a material difference and, if so, what that difference might be.

\* The "Mature Neighbourhood Overlay" also is deleted. However, in that case, no explanation is given as to why. Plus, there's no discussion of the presumably significant implications.

\* The staff Notes to Section 703 (Planned Unit Development) say PUDs are not permitted in "Special Districts". No reasons given as to why/why not.

\* Yet, Section 1207-1 (Kanata North Economic District Subzone (EDK-1) specifies "dwelling unit" as a permitted use - with no restrictions mentioned in the text or in the notes. Which governs, the Notes in Section 703 or the text of Section 1207-1?

\* Section 801 (Neighbourhood Zones 1-6) states that parking lots/garages in PUDs shall be only for the use of residents within 400 meters of the PUD. That limitation seems rather difficult to enforce. No explanation is provided as to how that to be done.

\*  Table 801A (Provisions for Neighbourhood Zones) sets out the maximum density (units per hectare) and sets out, on the following page, a formula for undertaking an applicable calculation for the subzones. Even if one could fathom the implications (none of which are explained), there is no evident means of tracking the results over time. How are residents, developers, planning staff, Councillors to know if/when the maximum density has been reached if the limit is not tracked and published by zone/subzone and in a timely fashion?

\* What happens if/when the proposed "maximum density" set out in Table 801A is reached? Would all further development applications within a Neighbourhood Zone (e.g.N2) be denied by the City? Is a race to get head of the upper bound density limit before it is reached in fact what staff intends or is it something else?

None of the above is meant to take away from the many positive attributes of the draft. Nonetheless, there are considerable concerns that need attention. Your thoughts on any of the above, would be very much welcomed.

Best regards,

Robert Brinker

Chair, FCA Planning & Zoning Committee