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Centretown Ontario Municipal Board Review of Board Decisions

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September 16th, 2010

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Ontario Municipal Board Decision Review: Mid-Centretown 2001-2010

As part of the Mid-Centretown Community Design Plan project process and to gain insight into the track record of Ontario Municipal Board (OMB) decisions, Urban Strategies undertook a review of hearing decisions in Mid-Centretown over the past decade. Included in our review was a broad variety of development proposals brought before the OMB for resolution in sites across the Mid-Centretown Community Design Plan Study Area as well as the adjacent context.

In total, 25 decision documents were reviewed. Issues taken to the Board covered a wide range of issues, including rezoning (height and density) and minor variances (setbacks, parking, lot width, projections, amongst others). A detailed summary of each case was prepared and are attached to this memo. Of the 25 cases reviewed, 19 cases were approved by the Municipal Board, 2 cases are in progress, 1 case is unresolved / unknown and 2 cases were refused. In summary, cases approved by the OMB represent 90% of all decided cases. Less than 10% of cases brought before the Board are refused.

It should be noted that this although the Municipal Board supported only 10% of appeals, this does not necessarily mean that the City of Ottawa lost 90% of cases, as not all cases were brought against the City. In many cases, the City did not appear, appeared under subpoena by the developer, or, were in some cases in agreement with the developer (subject to modifications of proposals). Nevertheless, this low level of refusal does indicate that the existing regulatory framework provides an inconsistent message and is open to interpretation by many interests.

The reasons for the high degree of approval for development applications in the Mid-Centretown area is a mix between a lack of clarity on planning directions, existing precedent and a fundamental divergence of opinion on the appropriateness of urban intensification in this location. Although justification for approval is varied, reasons can be summarised as follows:

- The Municipal Board generally supports the concept of residential intensification in this urban neighbourhood (Centretown and Mid-Centretown).
- The City of Ottawa (The City) has already supported and approved tall buildings in this area, so the precedent for 'appropriateness' has already been set.
- The City has acknowledged that those locations identified as "*High Profile*" in the Official Plan may actually be under-zoned and could support greater height and density.
- The City does not present a consistent message articulating its concern with height limits through its regulatory policy documents – 10 storeys vs. 12 storeys vs. 16 storeys – there is not a unified view of how tall is too tall.

- City has limited ability to visually demonstrate potential impacts of proposals on the neighbourhood (with respect to urban form context - particularly related to height and density – part of which is due to a lack of clarity on urban design needs and objectives) which results in a weaker case at the OMB.
- The lack of a unified view on the form and function of Centretown between allies (in particular height, density, use and heritage) results in difference of opinion:
 - *Height & Density:* When perspectives between City Planning and the Design Review Panel conflict while giving evidence, a unified case against height and density is undermined.
 - *Heritage:* When perspectives between The Ottawa Built Heritage Advisory Committee (formerly LACAC) and City Planning conflict while giving evidence, the case for heritage preservation and/or appropriate contextual development is undermined.
- The Ottawa Built Heritage Advisory Committee has on occasion provided opinions that are beyond their remit and that are contradictory to their City allies (which can be detrimental to the City's testimony and the presentation of a unified case).
- The City's action of arbitrarily 'lifting' the Heritage Overlay discredits its validity as a planning tool. The City should be consistent in the use of the heritage overlay. Arbitrarily lifting the overlay erodes its credibility.
- The City's actions of lifting the Heritage Overlay could suggest that the Overlay does not have to be applied universally across the HCD to achieve good planning.