

THE EFFECTS OF PUBLIC DEBATE



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THE EFFECTS OF PUBLIC DEBATE

HOW DOES THE OFFICE DE CONSULTATION PUBLIQUE DE MONTRÉAL
HELP TO GIVE SHAPE TO THE VALUES OF MONTREALERS?

May 1, 2010

Since 2006, the Office has consulted Montrealers on 25 metropolitan projects, primarily residential, but also cultural and commercial projects that are important for the future of Montréal (table 1). In each case, the Office followed its usual procedure, by first giving participants the opportunity to acquaint themselves with the project, and then to express their opinions. The consultations are held by a commission whose members are neutral and bound by a code of professional conduct. The participants' concerns and commission's recommendations are incorporated into a report submitted to municipal authorities.



TABLE 1 METROPOLITAN PROJECTS EXAMINED BY THE OFFICE SINCE 2006

YEAR	PROJECT	BOROUGH	TYPE	STEP
2006	Percival-Molson	Ville-Marie	Sports	Construction
2006	265 Mont-Royal Ouest	Plateau-Mont-Royal	Residential	Construction
2006	Rosemont Workshops	Rosemont – Petite-Patrie	Residential	Construction
2007	Nordelec	Sud-Ouest	Health	Approved
2007	CHUM	Ville-Marie	Residential	Approved
2007	Bleury/Mayor	Ville-Marie	Residential	Construction
2007	CHU Sainte-Justine	CDN – NDG	Health	Approved
2007	Outremont Campus	Outremont	University	Under study
2007	MBA	Ville-Marie	Cultural	Construction
2007	Contrecoeur	Mercier – Hochelaga-Maisonneuve	Mixed	Construction
2008	Viger Station-Hotel	Ville-Marie	Mixed	Approved
2008	1800 René-Lévesque Ouest	Ville-Marie	Residential	Approved
2008	CUSM	Ville-Marie	Health	Approved
2008	Saint-Michel Quarry	Villeray – Saint-Michel – Parc-Extension	Commercial	Approved
2009	Maison Radio-Canada	Ville-Marie	Mixed	Approved
2009	Place l'Acadie	Ahuntsic – Cartierville	Residential	Construction
2009	1420 Mont-Royal	Outremont	Residential	Approved
2009	Nouveau Havre	Sud-Ouest	Residential	Approved
2009	Séville Block	Ville-Marie	Residential	Approved
2009	QSL	Ville-Marie	Cultural	Approved
2009	2-22 Sainte-Catherine Est	Ville-Marie	Cultural	Approved
2009	Old College	Ville-Marie	Residential	Under study
2009	1475 René-Lévesque Ouest	Ville-Marie	Residential	Under study
2009	CN Shops	Sud-Ouest	Mixed	Under study
2009	Bonaventure	Ville-Marie – Sud-Ouest	Mixed	Under study

In each case, the Office followed its usual procedure, by first giving participants the opportunity to acquaint themselves with the project, and then to express their opinions.

EFFECTS EVALUATION

Many question the impact of these activities on project development. Moreover, the benefits of public debate are often measured by its effects¹. Does the consultation change anything? It is always important for the participants to know that they were not consulted in vain.

However, identifying the effects of public consultation is not as easy as it might seem. Firstly, Montréal has no official follow-up mechanism for Office recommendations². Secondly, it is difficult to pinpoint the effects of public debate as they take so many different forms: in addition to the direct effects in terms of changes made to projects, public debate also acts as a learning arena for participants, influences the methods of operation of both the public administration and developers, raises new issues, brings out new players, and leads to new partnerships.

Rather than focusing on any one of those aspects in particular, we have decided to examine the main issues brought up time and time again by citizens and civil society in the public consultations, relating them to specific values that express the vision Montrealers have of their city. Among those values, we begin with solidarity and coherence.

Solidarity is mentioned in the Montréal Charter of Rights and Responsibilities, where it is associated with respect, justice, fairness, democracy and social inclusion. As to coherence, it is the ultimate goal of any master plan, which essentially aims to ensure coherent development of the City's various components and functions. After that, the territory's development may be more or less consistent with the orientations set forth in the Plan.

The present report provides an opportunity to examine the effects of public consultation from the perspective of those

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Solidarity is mentioned in the Montréal Charter of Rights and Responsibilities, where it is associated with respect, justice, fairness, democracy and social inclusion.

1 This issue is raised in REVEL, Martine et coll. (2007), *Le débat public: une expérience française de démocratie participative*, Paris, La Découverte "Recherche."

2 After a request to that effect made in the Office's 2008 annual report, the executive committee informed us that an update included in the database for decisions, available on the City's GDD system, would regularly report on such follow-up. This measure has yet to be implemented.

two values. It would be impossible to quantify the impact of those values on urban development. However, by focusing on the issues surrounding it, one can see *how* the Office helps to give shape to the values of Montrealers, and how public debate affects the construction of the City.

This first document will address the subjects of affordable housing and local hiring, under the heading of solidarity; in terms of coherence, we are focusing on densification, local planning, and quality of the projects submitted by the developers in public consultations.

A more complete document will follow this one later in the year.

1. SOLIDARITY

Solidarity may be examined from various angles: we are focusing on the issues raised most often in consultations. Since 2006, the inclusion of social and affordable housing has been a recurring theme in public consultations on residential and mixed development projects, both with civil society representatives and citizens. The subject of local hiring is less frequently discussed, but it is an emerging concept with a strong presence in some boroughs.

1.1 PUBLIC DEBATE AND THE INCLUSION OF AFFORDABLE HOUSING

Among the 17 metropolitan projects with a residential component examined by the Office between 2006 and 2009, the issue of affordable housing was raised in public debate in 15 cases.

Since 2006, the inclusion of social and affordable housing has been a recurring theme in public consultations on residential and mixed development projects.

TABLE 2 APPLICATION OF THE STRATEGY FOR THE INCLUSION OF AFFORDABLE HOUSING IN METROPOLITAN PROJECTS WITH 200 HOUSING UNITS AND UP

YEAR	PROJECT	INCLUSION OF AFFORDABLE HOUSING		
		PROJECT BRIEF	DEBATE	FINAL PROJECT
1	2006 Rosemont Workshops	Yes	Yes	Yes
2	2007 Nordelec	Yes	Yes	Yes
3	2007 Bleury/Mayor	No	No	No
4	2007 Outremont Campus	Yes	Yes	Under study
5	2007 Contrecoeur	Yes	Yes	Yes
6	2008 Viger Station-Hotel	No	Yes	Yes*
7	2008 1800 René-Lévesque Ouest	No	Yes	No
8	2009 Maison Radio-Canada	Yes	Yes	Yes
9	2009 Place l'Acadie	Yes	Yes	Yes
10	2009 1420 Mont-Royal	No	No	No
11	2009 Nouveau Havre	Yes	Yes	Yes
12	2009 Séville Block	No	Yes	Yes*
13	2009 Old College	No	Yes	Under study
14	2009 1475 René-Lévesque Ouest	No	Yes	Under study
15	2009 CN Shops	Yes	Yes	Under study
16	2009 Bonaventure	Yes	Yes	Under study

* These projects deviate from the provisions of the Strategy.

The Strategy for the inclusions of affordable housing, adopted by the City in 2005, was used as a starting point in all the discussions. The policy suggests, without obligation, the inclusion of 15% of social housing units and 15% of private affordable housing units in all residential complexes with 200 or more units³. Out of the eleven projects approved by elected officials following an Office public debate, the Strategy for the inclusion of affordable housing was applied in eight cases.

Moreover, implementation modalities diverging from the strict application of the Strategy were applied in two of the projects⁴. In both cases, public debate raised the issue of affordable housing while developers did not initially intend to participate in the inclusion strategy.

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3 Social housing refers to units belonging to cooperatives or non-profit organizations (NPO), while private affordable housing refers to units for which first-time buyer subsidies are available. The concept of affordable housing covers both notions.

4 In the case of the Viger Station-Hotel project, the developer agreed to deposit \$750,000 in a fund for the construction of social housing for the homeless. For the Séville Block project, the developer submitted a bank guarantee letter of \$1.3 million ensuring the construction of student housing.

We have found that in more than half of the projects examined, the developer had included a percentage of social and affordable housing in the project before presenting it to the Office. It is difficult to compare that figure with more general data on the application of the Strategy on Montréal territory. However, since 2006, many major residential projects—the Vistal (310 unit) and the Symphonia (1,200 unit) in Verdun, the Elogia (293 unit) in Mercier–Hochelaga-Maisonneuve, and the Faubourg Pointe-au-Prairie (1,500 unit) in Rivière-des-Prairies–Pointe-aux-Trembles, among others—have benefited from amendments to the Montréal Master Plan or Urban Planning By-law without contributing to the Strategy for the inclusion of affordable housing. This leads us to believe that projects submitted to the Office more often make room for affordable housing.

1.2 ORGANIZATIONAL LEARNINGS

The presence of a rigorously structured public debate process preceding project authorizations induces developers to reach agreement before the consultation with groups defending affordable housing, to avoid being challenged at the hearings.

The presence of a rigorously structured public debate process preceding project authorizations induces developers to reach agreement before the consultation with groups defending affordable housing, to avoid being challenged at the hearings.

Under this process, the developer, the City, and interest groups meet to discuss objectives and issues raised. Among the projects listed in table 2, all those for which the Strategy was applied had been discussed upstream. For those projects, the issue of social and affordable housing was raised again during the formal consultation, and the public debate often allowed the review of the results of the upstream discussion (see table 3).

The issue of social and affordable housing was commonly raised throughout the public debates held by the Office. This was in large part due to the relentless work of militant groups who kept the issue of low-cost housing for the most disadvantaged in the public eye during the examination of major real estate projects. The commissioners' reports and recommendations give voice to the people, while monitoring the application of the Strategy for the inclusion of affordable housing.

1.3 QUANTITATIVE AND QUALITATIVE ASPECTS

A significant part of the debate concerns the quantity of affordable and social housing units. Over the past few years, we have found that participants are asking, in their neighbourhood or borough, for a greater percentage of units than the 30% provided for under the municipal Strategy. At the conclusion of the analysis and weighing of the various points of view, the reports of the commission sometimes recommend that the percentage of social and affordable housing be raised, or that it be distributed differently, or simply that the Strategy be applied to projects that had not planned for this type of housing at the outset. In their reports, the commissioners also take into account the developers' margin of financial manoeuvrability.

The qualitative aspects of inclusion are also often questioned, the focus being primarily on housing for seniors and families. A review of the project's design is sometimes suggested with a view to better integrating social housing into the overall complex and avoiding any form of exclusion.

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TABLE 3 **MODIFICATION OF ASPECTS RELATED TO THE INCLUSION OF AFFORDABLE HOUSING IN PROJECTS FOLLOWING THE REPORT**

YEAR	PROJECT	MODIFICATIONS RECOMMENDED	PROJET MODIFIED	
1	2006	Rosemont Workshops	Major	No
2	2007	Nordelec	Major	Yes
3	2007	Bleury/Mayor	None	No
4	2007	Contrecoeur	Major	Yes
5	2008	Viger Station-Hotel	Major	Yes diverging from the report
6	2008	1800 René-Lévesque Ouest	Major	No
7	2009	Maison Radio-Canada	Major	Yes
8	2009	Place l'Acadie	Minor	No
9	2009	Nouveau Havre	Minor	No
10	2009	Séville Block	Major	Yes diverging from the report
11	2009	1420 Mont-Royal	None	No

In many cases, the recommendations had an effect on the projects. In seven cases, the commission made recommendations calling for major changes to the inclusion provisions. In three of the cases, the recommendations were followed⁵. But the recommendations of a commission sometimes have no effect. This is what happened in the case of the 1800 René-Lévesque Ouest project, where the commission had recommended that the Strategy be applied.

1.4 LOCAL HIRING: AN EMERGING THEME

The idea behind local hiring is to provide economic spinoffs where it is applied by reserving a percentage of the jobs for residents of the sector.

Ville de Montréal has no local-hiring policy, and the concept does not appear in its economic development strategy. Here, public debate has given rise to a new issue. The idea behind local hiring is to provide economic spinoffs where it is applied by reserving a percentage of the jobs for residents of the sector. The theme is less pervasive than that of affordable housing, and often absent from public debates on downtown projects. However, the idea has the support of organizations such as the Corporations de développement économique (CDEC).

⁵ The respective percentages of social and affordable housing were modified for the Maison Radio-Canada (2009); for the Nordelec project (2007), a by-law was amended to allow the constructions of additional storeys in a condominium project; for the Contrecoeur project (2007), the design was modified to better integrate the social housing units.

The City cannot impose a given percentage of local hiring through legislation. As with the inclusion of social and affordable housing, this commitment is made through a development agreement concluded⁶ with the developer. In all cases where such provisions appeared in the development agreement⁷, they had been the subject of discussions between the developer and local groups, upstream of the formal consultation held by the Office. Measures were already provided for in the project brief. Public debate brought the issue back to the forefront, and led to more in-depth discussions.

The upstream process conducted for the CN site (2009) illustrates this situation well. The subject of local hiring was absent from the developer's initial proposal. The discussions that followed brought the issue to light, and it was included in the principles set forth by the commission and later incorporated into the development agreement presented with the developer's permission.

However, it appears more difficult to provide measures for local hiring than to include affordable housing because, often, the developer of the project is not a local employer.

The development agreements may be evolving to include increasingly varied spinoffs for the community. For example, several agreements provide for carsharing spaces. The agreement for the Bassins du Nouveau Havre reserves land for the establishment of social economy activities, in partnership with local organizations.

In the United States, such spinoffs have been negotiated as part of community benefit agreements, whereby groups exchange their support for major projects for certain commitments from the developers, such as local hiring and the inclusion of affordable housing⁸. This American experience was mentioned in the debate on Maison Radio-Canada. But it is quite possible that, here, the concept of community benefits is instead finding its place in the enlargement of development agreements.

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6 A development agreement is a contract signed as part of the legislative approval process, under which a developer agrees to ensure certain spinoffs for the community, such as new parks, active transportation measures, or heritage protection.

7 Saint-Michel Quarry (2008), Radio-Canada (2009), Nouveau Havre (2009), CN Shops (2009).

8 SALKIN, Patricia E. and LAVINE, Amy. "Understanding Community Benefits Agreements: Equitable Development, Social Justice and Other Considerations for Developers, Municipalities and Community Organizations." *Journal of Environmental Law*, Volume 26. (2008) [http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1272795]

Access to decent housing and access to property for all are vital to strengthening the values of solidarity, justice and fairness that should prevail in shaping our city.

2. CONCLUSION

Since 2006, in public debates generated by the public examination of projects submitted to the Office, the practice of solidarity has involved housing and the introduction of social and affordable housing units in projects for major complexes. The mobilization around those issues, as well as the attention paid by the commissions to the application of the municipal policy concerning them, have served as reminders that access to decent housing and access to property for all are vital to strengthening the values of solidarity, justice and fairness that should prevail in shaping our city.

We can expect that the subject of local hiring and, on a broader scale, benefits to the community in general, will increasingly be raised in public debates and upstream consultations.

3. COHERENCE

In the Montréal Master Plan, the notion of coherence appears more specifically in two contexts. Firstly, coherence between transportation and urban planning is given special weight. Urban development should be carried out in such a way as to make existing infrastructures profitable and promote modal transfer to public transit. This idea occupies a central role in the Master Plan and Transportation Plan.

Secondly, the Master Plan insists on coherence in terms of the projects' integration. The Plan outlines, for the City as a whole, areas to be built, areas to be transformed, and established sectors. For established sectors, the Plan requires that projects consolidate the neighbourhoods' existing characteristics to strengthen their identity and create a diversity of experiences throughout the City. The same principles do not apply to areas to be transformed. As they are currently "underused," their "activities and built form will be changed radically over the long term".⁹

⁹ Ville de Montréal (2004), *Montréal Master Plan*, p.6

Almost two-thirds of the major projects examined by the Office were located in established sectors.

TABLE 4 PROJECTS ACCORDING TO AREAS OUTLINED IN THE MONTRÉAL MASTER PLAN

PROJECT	ESTABLISHED AREA	AREA TO BE TRANSFORMED	AREA TO BE BUILT
Percival-Molson	✓		
265 Mont-Royal Ouest	✓		
Rosemont Workshops		✓	
Nordelec	✓		
CHUM		✓	
Bleury/Mayor	✓		
CHU Sainte-Justine	✓		
Outremont campus		✓	
MBA	✓		
Contrecoeur			✓
Viger Station-Hotel	✓		
1800 René-Lévesque Ouest	✓		
CUSM	✓		
Saint-Michel Quarry		✓	
Radio-Canada		✓	
Place l'Acadie	✓		
1420 Mont-Royal	✓		
Nouveau Havre		✓	
Séville Block	✓		
QSL	✓		
2-22 Sainte-Catherine Est	✓		
Old College	✓		
1475 René-Lévesque Ouest	✓		
CN Shops		✓	
Bonaventure		✓	
Total	16	8	1

Almost two-thirds of the major projects examined by the Office were located in established sectors.

The densification and consolidation of a neighbourhood's identity can easily lead to contradictions. While the benefits of density in terms of urban sustainability are generally recognized, the increased population density proposed by piecemeal projects often attracts strong opposition. Modifications to the density

Modifications to the density and height parameters are often seen by citizens as an attack on the urban landscape rather than as a contribution to the realization of Montréal Master Plan objectives.

and height parameters are often seen by citizens as an attack on the urban landscape rather than as a contribution to the realization of Montréal Master Plan objectives, both in established and other areas. Overall, opinions expressed in the consultations tend to favour the construction of coherent complexes blending into rather than breaking up the existing neighbourhood.

These views gave rise to comments about the projects' height, size and architecture. The commissions regularly make recommendations aimed at improving the projects' integration. Among ten projects examined¹⁰, the commission offered suggestions to make the density more acceptable, such as reviewing the volume or distribution of buildings on a site, or conducting additional studies, which led to modifications in seven cases. Recommendations concerning height reductions were followed in two cases¹¹.

3.1 LOCAL PLANNING

The participants often insisted on a development vision encompassing the neighbourhood as a whole, or several adjoining neighbourhoods.

Civil society requested the submission of the Ville-Marie borough chapter and the PPU (plan particulier d'urbanisme) that was to be drawn up for the Quartier de la santé during the study on the CHUM construction project downtown. On many occasions, public consultation participants requested a development vision for the eastern section of downtown, from the Quartier de la santé to the Jacques-Cartier bridge. During the examination of the project for the tower at 1475 René-Lévesque Ouest, the appropriateness of adding another 36-storey tower to a block already containing six was brought back into question in the absence of a vision for the revitalization of the Bishop-Crescent area. During the examination of Quartier des spectacles projects, which included the construction of a 12-storey office tower, concerns focused on the disappearance of the Saint-Laurent/Sainte-Catherine area's traditional entertainment vocation.

10 Nordelec (2007), Nouveau Havre (2009), Séville Block (2009), Quadrilatère Saint-Laurent (2009), 2-22 (2009), Maison Radio-Canada (2009), Place l'Acadie-Henri-Bourassa (2009), Contrecoeur (2007), Erskine Pavilion of the Montréal Museum of Fine Arts (2007), and Viger Station-Hotel (2008). The sample excludes projects still under study.

11 Maison Radio-Canada (2009) and Séville Block (2009).

The recommendations set forth for such projects usually warn against “piecemeal development” of an area. In all the areas concerned, many deem it important to consolidate existing characteristics, while in a number of cases, major transformations to the landscape are anticipated as a result of major projects. The request for local planning is a way for public debate participants to seek greater territorial coherence at a level, the neighbourhood level, which makes sense to them.

3.2 UNDERSTANDING THE IMPACT OF PROJECTS

To help them to understand the repercussions of increases in height and size, and all of the positive and negative implications of a project, the Office consultation commissions and participants have access to a variety of studies conducted by the developer. The ability of all public debate players to gauge the impacts of a project rests on the contents of the file submitted by the developer. The more the files make it possible to understand the impacts of the projects, the better the Office can play its role in the development of a coherent city.

The Office does not require the submission of any studies: it does not have the legal power to do so. However, we have noticed that certain studies are usually included in the developers’ files. Also, as seen in table 5, certain studies, such as heritage¹², historical¹³, landscape¹⁴, and wind impact studies, have been conducted more often in recent years.

A comparison between the first years of the Office (2002-2006) and more recent years (2007-2009) shows a net improvement in the files submitted for consultations. Files containing very little information, like those for the ÉTS pavilion (2002) and Tennis Canada (2003), would be unusual today. The size of the file presented for the Jewish General in 2003 does not compare to that of the one submitted for the Montréal General Hospital in 2008. In all likelihood, the project for the Jewish General Hospital would have been much better documented had it been presented five years later.

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12 An analysis aimed at determining the value of a building or complex (the argument surrounding value is key in such a document).

13 A presentation on the history of an area (i.e., of the territory extending beyond the building in question). It usually includes a summary of the area’s morphological development, and of its activities and role on a citywide scale.

14 An analysis focusing on the integration conditions of the project, based on landscape units, views, identity of the site’s landscape, etc.

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Public debate has most probably raised the requirements in terms of studies submitted by developers before public consultations, and developers appear increasingly better prepared when they arrive at public consultations. This evolution of practices undoubtedly promotes coherent urban development. In the future, other studies may become more frequent, such as social impact studies or the evaluation of projects according to sustainable development criteria.



TABLE 5

**DOCUMENTS INCLUDED
IN FILES SUBMITTED
TO THE OFFICE FOR
METROPOLITAN
PROJECTS**

PROJECT	DATE	WIND IMPACTS	SOCIO-ECONOMIC IMPACTS	TRAFFIC IMPACTS	NOISE IMPACTS	COMMERCIAL IMPACTS	HERITAGE STUDY	HISTORICAL DESCRIPTIONS	LANDSCAPE STUDY	NATURAL FEATURES STUDY	SUNLIGHT STUDY	VIEWS	ELEVATIONS
ÉTS Pavilion	12/2002												
Décores Project	05/2003												
Tennis Canada	06/2003												
Jewish General	11/2003												
Benny Farm	11/2003												
Portes Sainte-Marie	11/2003												
Oratoire	11/2003												
HEC Extension	04/2004												
Shriners Hospital	05/2005												
Percival-Molson	05/2006												
265 Mont-Royal Ouest	06/2006												
Rosemont Workshops	09/2006												
Nordelec	10/2006												
CHUM	11/2006												
Bleury/Mayor	11/2006												
CHU Sainte-Justine	02/2007												
Outremont Campus	03/2007												
MBA	04/2007												
Contrecœur	05/2007												
Viger Station	10/2007												
1800 René-Lévesque O.	02/2008												
CUSM	05/2008												
Saint-Michel Quarry	05/2008												
Radio-Canada	11/2008												
Place l'Acadie	01/2009												
1420 Mont-Royal	02/2009												
Nouveau Havre	02/2009												
Séville Block	04/2009												
QSL	05/2009												
2-22 Sainte-Catherine E.	05/2009												
Old College	05/2009												
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CN Shops	10/2009												
Bonaventure	11/2009												

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3.3 CONCLUSION

The Montréal Master Plan aims to consolidate neighbourhood identity, while supporting city densification wherever possible, especially in terms of public transportation services. Densification and consolidation are two aspects of coherence found both in the Plan and in public debates on major projects.

The Office embodies into city development the value of coherence, promoting the search for ways to better integrate projects contributing to densification. The commissions' recommendations, which often have an impact on project revisions, aim to correct excessive heights, protect views, and control negative impacts. In that respect, the quality of studies submitted by the developer is a determining variable. At a time when fragile areas appear to be quickly transforming, public debate offers an opportunity to request plans drawn up on a local scale, to ensure future neighbourhood coherence.

This report has made it possible to explore how public debate allows the values of solidarity and coherence to take shape in the City. The effects of public debate may take many forms. However, to have an impact, the participation of a significant number of Montrealers is required.

The Office is proud of the citizen participation in its public consultations, which is varied and distributed according to issues examined. Attendance at consultation meetings reached approximately 4,000, made up of some 2,000 different people. In turn, according to the project, individual citizens, interest groups, institutions and business people played an important role in the consultations. The numbers and diversity of participants demonstrate, better than this report, the relevance of public debate in the construction of Montréal.

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