

November 25, 2020

By E-Mail

City of Ottawa, Planning Committee
Ottawa City Hall
110 Laurier Avenue West
Ottawa, Ontario K1P 1J1

Attention: Melody Duffenais, Committee Coordinator

Dear Planning Committee:

**Re: Plan of Subdivision and Zoning By-law Amendment Applications
7000 Campeau Drive, Ottawa
Planning Committee Agenda 33, Item 2**

We are counsel to ClubLink Corporation ULC ("ClubLink"), the owner of the lands municipally known as 7000 Campeau Drive in the City of Ottawa (the "Lands").

We have reviewed the report of the Acting Director, Planning Services, dated November 13, 2020 (the "Staff Report"), which will be considered by the Planning Committee (the "Committee") at its meeting on November 26, 2020.

The Staff Report recommends that the Committee recommend that Council endorse the position that the Local Planning Appeal Tribunal (the "Tribunal") not approve the Draft Plan of Subdivision for the Lands as being premature and to refuse an amendment to Zoning By-law 2008-250 to permit the proposed redevelopment of the Lands.

With respect, the Staff Report fails to provide sufficient justification for its recommendations, includes errors and omits relevant information, and identifies a number of outstanding issues that we believe can be resolved through ongoing dialogue and/or appropriate draft plan conditions.

Accordingly, we request that the Committee reject the recommendations in the Staff Report. Rather, we urge the Committee to confirm its support for the Tribunal to approve the Draft Plan of Subdivision and related Zoning By-law Amendment. Alternatively, we request that the Committee direct City staff to continue to work cooperatively with ClubLink and its consultants with a view to resolving all outstanding issues, including participating in Tribunal-assisted mediation.

With respect to the Provincial Policy Statement (“PPS”), the Staff Report asserts that the redevelopment proposal is not consistent with the PPS, but offers no analysis or reference to any policies. By contrast, ClubLink’s planning consultant, Bousfields Inc., has provided a detailed and comprehensive analysis demonstrating that the proposed redevelopment is consistent with the PPS and would implement a number of its policies.

Likewise, with respect to the City’s Official Plan, the Staff Report cites a number of policies that refer to “compatibility” between new development and existing communities, but offers little or no analysis as to why the proposed redevelopment would not be compatible with the existing surrounding residential neighbourhoods. Compatibility does not mean that new development needs to replicate existing development. Further, it is noteworthy that the existing residential neighbourhoods that surround the Lands are not homogenous. Rather, similar to what is proposed on the Lands, the existing residential neighbourhoods consist of a range of building types (detached, semi-detached and townhouse) and include a variety of lot frontages and sizes.

In order to enhance compatibility, the configuration of the proposed redevelopment of the Lands has been carefully planned to ensure that higher density elements are located close to Campeau Drive and physically separated from the surrounding low-density residential development. Likewise, where new townhouses are proposed to be located adjacent to existing residential development, they have been located adjacent to existing townhouses only. In addition, any potential interface concerns between new and existing development are proposed to be addressed through a combination of adjacent parks and open space as well as landscape buffers. Accordingly, we submit that the proposed redevelopment is “compatible” with the surrounding community.

With respect to parkland, the Staff Report cites Section 4.10.5(b) of the Official Plan, but misquotes the policy. If, by its comment, City staff is suggesting that the parkland requirement for the Lands is “40 per cent greenspace”, this is an erroneous statement. Rather, Section 4.10.5(b) states that the parkland requirements for development in this area will be determined based on the so-called “40 Percent Agreement”. Putting aside the issue of the validity and/or enforceability of the 40 Percent Agreement, which is currently before the Ontario Superior Court of Justice, it is noteworthy that subsection 4(4) of the 1981 40 Percent Agreement states that “[t]he lands to be dedicated for park purposes will be determined at the time of the development applications in accordance with The Planning Act”. The *Planning Act* currently limits the maximum parkland requirement that may be imposed by the municipality to 5% of the land to be developed for residential purposes or, as an alternative, up to 1 hectare for each 300 dwelling units proposed. In either case, with nearly 6 hectares of public parkland proposed, the current Draft Plan of Subdivision for the Lands provides more parkland than could otherwise be required by the City.

The Staff Report also includes a number of comments regarding stormwater management and drainage from the Lands. In this regard, discussions are continuing between ClubLink's engineers, City staff and other agencies, and we remain confident that any outstanding issues can be resolved through further dialogue and information exchanges, which ClubLink intends to continue. In some instances, outstanding issues can likely be addressed through minor revisions to plans and/or studies. Where detailed engineering design is concerned, we anticipate that other issues could properly be addressed through the clearance of draft plan conditions.

In some cases, the Staff Report either misstates facts or is potentially misleading as to the status of ClubLink's engineering submissions. For example, the Staff Report asserts that "the major overland flow from the subject development, and connecting existing residential lands, into the Beaver Pond has not been accounted for." We are advised by ClubLink's engineers that this statement is not correct and, in fact, that the proposed stormwater management approach for the Lands has reviewed/incorporated major overland flows where required and the flows up to the 100-year event are retained on the Lands through the proposed stormwater management facilities. Similarly, the Staff Report claims that "stormwater management has not been determined for the plan of subdivision". Although there are ongoing discussions with City staff, ClubLink's engineers have submitted a detailed stormwater management proposal for the entire development area as well as extensive supporting documentation.

Lastly, ClubLink takes exception to the statement of the Ward Councillor referenced in the Staff Report in which she alleges that ClubLink acted in "bad faith" in appealing its applications to the Tribunal. In fact, ClubLink exercised its statutory right to appeal the applications to the Tribunal based on the City's failure to make a decision on the applications within the timeframes set out in the *Planning Act*. ClubLink's appeal of the applications to the Tribunal is not surprising, particularly given public comments made by the local Councillor in which she has repeatedly expressed her opposition to any redevelopment of the Lands. Despite the appeals, ClubLink has continued to work cooperatively and in good faith with City staff and various commenting agencies to attempt to resolve outstanding issues, and intends to continue along this path.

ClubLink has also publicly confirmed its desire to engage in mediation and continues to support efforts to resolving all remaining issues in a collaborative and non-adversarial manner. To that end, we encourage the Committee to direct City staff to continue to work cooperatively with ClubLink and its consultants with a view to resolving all outstanding issues, including participating in Tribunal-assisted mediation if that opportunity is available.

We thank the Committee, in advance, for its consideration of this submission.

Yours truly,
DAVIES HOWE LLP



Mark R. Flowers
Professional Corporation

copy: Tim Marc, City of Ottawa, Office of the City Solicitor
Sylvain Rouleau, WeirFoulds LLP
Client
Peter Smith and Mike Dror, Bousfields Inc.