

ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	ClubLink Corporation ULC
Subject:	Application to amend Zoning By-law No. 2008-250 - Refusal or neglect of the City of Ottawa to make a decision
Existing Zoning:	O1A (Open space, subzone A)
Proposed Zoning:	R1T (Residential First Density Zone), R3V (Residential Third Density Zone), and R5A (Residential Fifth Density Zone) as well as O1 (Parks and open spaces).
Purpose:	To permit the redevelopment of the lands for residential and open space uses, including 1502 residential units which will be mixed between detached, townhouse and mid-rise apartments.
Property Address/Description:	7000 Campeau Drive
Municipality:	City of Ottawa
Municipality File No.:	D02-02-19-0123
LPAT Case No.:	PL200195
LPAT File No.:	PL200195
LPAT Case Name:	ClubLink Corporation ULC v. Ottawa (City)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	ClubLink Corporation ULC
Subject:	Proposed Plan of Subdivision - Failure of the City of Ottawa to make a decision
Purpose:	To permit the redevelopment of the lands for residential and open space uses, including 1502

	residential units which will be mixed between detached, townhouse and mid-rise apartments.
Property Address/Description:	7000 Campeau Drive
Municipality:	City of Ottawa
Municipality File No.:	D07-16-19-0026
LPAT Case No.:	PL200195
LPAT File No.:	PL200196

WITNESS STATEMENT OF LAUREL MCCREIGHT

A. Witness Qualifications

1. I am a Planner II for the City of Ottawa's Planning, Infrastructure and Economic Development Department (the "Department"). I have 10 years of professional planning experience with the City of Ottawa (the "City") and two years additional experience as a development planner with other municipalities. Since moving to the City of Ottawa, I have held the following positions:
 - Planner I - Committee of Adjustment – Rural Area (April – December 2011)
 - Planner I – Rural Area (January 2012 – March 2015)
 - Planner II – Rural Affairs Office (March 2015 – April 2016)
 - Planner II – West Area (April 2017 – Present)
2. I am a Registered Professional Planner (RPP) and a full member of the Canadian Institute of Planners (MCIP) and the Ontario Professional Planners Institute.
3. I have previously been qualified by the Ontario Municipal Board (OMB) to provide opinion evidence in the field of land use planning. I have provided professional evidence at the OMB on three occasions.
4. I completed my undergraduate degree in Urban Planning at the University of Waterloo in 2006 and my Master of Planning Degree at Queen's University (2007 – 2009), with a concentration in Land Use and Real Estate Development.
5. A copy of my Curriculum Vitae is attached.
6. My signed Acknowledgement of Expert's Duty declaration is attached.

B. Statement of Facts

7. I was involved in pre-application consultations between the City and ClubLink Corporation ULC (the “Applicant”) in March 2019.
8. The Applicant submitted its proposal for a Plan of Subdivision (City file number D07-16-19-0026) and Zoning By-law Amendment (City file number D02-02-19-0123) on October 8, 2019, and deemed complete on October 17, 2019. At this time, I was assigned to conduct a full review of the proposal.
9. City staff provided technical comments to the Applicant in a letter dated December 19, 2019, a true copy of which is attached to the City of Ottawa Responding Book of Documents (“Responding Documents”). This letter included comments related to both the Plan of Subdivision and Zoning By-law Amendment applications.
10. During the review of the applications, a statutory public meeting was held by the City on November 25, 2019. The meeting was attended by various City staff, members of the applicant’s consultant team, the Ward Councillor, and members of the public.
11. The Plan of Subdivision and Zoning By-law amendment applications were appealed to the Local Planning Appeal Tribunal on March 6, 2020 due to the City’s lack of decision on the applications within the timelines prescribed under the Planning Act.
12. A second submission relating to both the Plan of Subdivision and Zoning By-law amendment applications was received by City staff on July 15, 2020. While not required, City staff advised members of the public which had previously commented, that the revision documents were available on the City’s online Development Application website.
13. City staff provided technical comments to the Applicant in a letter dated October 9, 2020, a true copy of which is attached to the Responding Documents. This letter included comments related to both the Plan of Subdivision and Zoning By-law Amendment applications.
14. On November 16, 2020, notice of the application for refusal regarding the Plan of Subdivision and Zoning By-law Amendment to be considered by Planning Committee on November 26, 2020, was given to those who had previously provided comments regarding the proposed both applications.
15. Planning Committee carried the staff report (the “Report”) recommendation to not approve the Draft Plan of Subdivision as it is premature and refuse the Zoning By-law amendment for 7000 Campeau Drive. A copy of the staff report is attached in the Responding Documents. The subdivision is not consistent with the 2020

Provincial Policy Statement and multiple Official Plan policies related to Managing Growth, Providing Infrastructure, Building Liveable Communities and Urban Design and Compatibility.

16. On December 9, 2020 City Council voted in favour of Planning Committee's recommendation to not approve the proposed applications.
17. A third submission relating to both the Plan of Subdivision and Zoning By-law amendment applications was received by City staff on June 17, 2021. While not required, City staff advised members of the public which had previously commented, that the revision documents were available on the City's online Development Application website.
18. City staff provided third round technical comments to the Applicant in a letter dated October 18, 2021, a true copy of which is attached to the Responding Documents. This letter included comments related to both the Plan of Subdivision and Zoning By-law Amendment applications.

C. Subject Site, Location and Proposed Development

19. The subject site is approximately 70.89-hectares (175.89-acres) and is made up of four irregularly shaped parcels separated by the local road network. The municipal address for the property is 7000 Campeau Drive, however, there is also frontage along abutting roads including Knudson Drive, Beaverbrook Road and Weslock Way. The subject site is located within the low-rise residential neighbourhood of Kanata Lakes north of Highway 417, west of Beaverbrook Road and east of Terry Fox Drive. Currently, the site is occupied by the Kanata Golf & Country Club, which consists of an 18-hole golf course, a two-storey clubhouse, as well as a large surface parking lot on the southwest portion of the site. The site includes expansive golf greens, fairways and tee boxes. There is low-lying landscaping throughout the site and trees are generally located towards the perimeter of the site. The adjacent area includes low-rise residential neighbourhoods to the north, east and west, and to the south is the major east-west arterial road Campeau Drive. The Kanata Town Centre is south of Campeau Drive which is comprised of a mix of medium density uses.
20. The Plan of Subdivision application was submitted to permit the development of a subdivision consisting of a variety of dwelling types and land uses including residential uses, four parks and four stormwater management facilities. A total of 1,480 residential units are proposed.

21. The land is currently zoned Parks and Open Space, Subzone A (O1A) and is designated as General Urban in the City's Official Plan. The O1A zone permits an environmental preserve, education area, park, urban agriculture and a golf course. The applicant is proposing to rezone the lands to a mix of residential zones including Residential First Density, Subzone T (R1A), Residential Third Density, Subzone V (R3V), and Residential Fifth Density Zone, A, as well as Parks and Open Space Zone (O1) to permit the proposed uses.

D. Basis of Evidence

22. My evidence will address planning considerations pertinent to the approval of the Plan of Subdivision and Zoning By-law Amendment applications, as outlined in the Report. I will rely on the entirety of that documents and the documents and other sources references therein.

23. The evidence relied upon will be based on the staff report, to be included in the Book of Documents.

24. I will also rely on the submissions made to the City by the Applicant and others during the course of the approval process.

E. Issues to be Addressed

25. Issues to be addressed by this witness statement from those contained in the Issues List are as follows.

26. Should the proposed subdivision be given draft approval and/or the zoning approved pending a final determination in City of Ottawa v. ClubLink Corporation ULC (Court File No. 19-81809)?

27. Does the proposed plan of subdivision have regard for matters of provincial interest pursuant to the *Planning Act*, Section 2, particularly clause (r)?

28. Does the proposed plan of subdivision conform to the Official Plan of the City of Ottawa, particularly policies 2.2.2.22, 2.2.2.23, 2.4.5.4, 4.10.5 and 4.11.20, and is it compatible with adjacent plans of subdivision?

29. Is the subdivision premature (s.51(24)(b))?

30. Is the lotting pattern appropriate (s.51(24)(f))?

31. Are the lots compatible with the surrounding community / adjacent plans of subdivision (s.51(24)(c))?
32. Are the proposed three metre front and corner yard setbacks compatible with the surrounding community?
33. Does the proposed zoning have regard for matters of provincial interest pursuant to the *Planning Act*, section 2, particularly clause (r)?
34. Does the proposed zoning conform to the Official Plan of the City of Ottawa, particularly policies 2.2.2.22, 2.2.2.23, 2.4.5.4, 4.10.5 and 4.11.20?

F. Opinions on Issues, and Reasons for Opinions

Issue #1

35. This matter is before the Court of Appeal and will be addressed by legal counsel.

Issues #3 & #24 (Subdivision and Zoning)

36. Section 2(r) of the *Planning Act* requires proposed plans of subdivisions to have regard for matters of provincial interest particularly with regard to the promotion of built form that is well-designed. Without a proposed lotting pattern and appropriate front and rear yard setbacks, in my opinion, it is premature to determine if the proposed plan of subdivision is well designed. The measures listed previously would help determine a maximum density, which would be an appropriate tool for a compatible approach to built form.

Issues #4 & #25 (Subdivision and Zoning)

37. Section 2.2 of the Official Plan (Managing Growth) directs where growth will occur within Ottawa. Specifically, 2.2.2.22 speaks to intensification outside of target areas for growth, including areas designated as General Urban Area. The City will promote opportunities for intensification in these areas guided by Section 3.6.1. This is not an Urban Expansion Area or Developing Community and the density requirements for lands under this designation do not apply to the subject lands. Therefore, no specific intensification target applies as this is an infill scenario and as such the development is required to be compatible with the surrounding community.
38. Policy 23 speaks to supporting intensification in the General Urban Area where it will enhance and complement desirable characteristics and long-term renewal.

The character of the community may be expressed in its built environment and features such as setbacks and buildings from the property line. The City will consider such attributes in its assessment of the compatibility of new developments within the surrounding community when reviewing development applications. The City maintains that a 3 metre front and corner side yard setback is insufficient and 4.5 metres is appropriate given this is representative of the zoning in the majority of the surrounding residential communities. This setback will assist in creating a compatible public realm to built form relationship with the abutting existing streets.

39. Policy 2.2.2.23 and 2.2.2.24 provides guidance on where intensification should occur, as well as determining compatibility. In my opinion, this parcel is not targeted for intensification as it is an infill scenario, and the proposed setbacks are not compatible with the surrounding community.
40. Section 2.5.1 of the Official Plan is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, and sustainability. Policy 2.5.1.1 speaks to urban design and compatibility and that in the review of development applications, proponents will be required to demonstrate how design objectives have been met. Specifically, one design objective of this section that the proposal does not meet is to ensure that new development respects the character of existing areas.
41. The draft plan of subdivision should be amended to accurately reflect the potential mix of lot widths and areas. The current plan appears to be lotted utilizing a standardized lot width of approximately 11 metres. In my professional opinion, the provision of wider and larger lots abutting existing residential uses should be pursued and reflected on the draft plan of subdivision to better reflect the character of the existing community.
42. Section 3.6.1 is specific to the General Urban Area designation and 3.6.1.5 speaks to intensification where it will complement the existing pattern and scale of development and planned function of the area. The City will assess compatibility of new development as it relates to existing community character and consider the desire for a balance of housing types and tenures.
43. A lotting pattern should be provided at this stage to illustrate larger lots abutting the larger existing lots and to ensure that only a specific percentage of the subject lots are at the proposed minimum lot width and lot area.
44. Although a maximum lot coverage has been provided, it does not address possible increases in density as a result of future changes to the draft plan of

subdivision prior to registration. It is recommended that the lotting be further refined to accurately address the concerns of compatibility.

45. It should also be noted that there are many lots that are wider than 18 metres in both Beaverbrook and Kanata Lakes, and there are no examples of 9 metre detached lots in either community. In my opinion, the current proposal is generally not in character with the surrounding community.
46. Section 4.10.5(b) is specific to greenspace requirements in Kanata Lakes and that the parkland requirements for all development that is subject to the legal agreement provides 40 per cent greenspace, as determined based on the agreement. As noted previously, the matter of the Forty Percent Agreement is before the courts, and thus a decision must be rendered prior to stating whether this policy in the Official Plan is complied with.
47. New development is reviewed and evaluated using the policies of Section 4.11, which address urban design and compatibility. Policy 5 of this section speaks to compatibility of new buildings within their surroundings including the parts of the building facing the public realm. Specifically, Policy 4.11.5(a) refers to providing development that fit within the “existing desirable character and planned function of the surrounding area in the context of setbacks.
48. Also applicable is Policy 19, referring to applicants demonstrating that development minimizes undesirable impacts on the existing private amenity spaces of adjacent residential units. Again, with the lack of detail regarding the proposed lotting, and using an approximation of 11 metres, it would appear that many of the backyards of the existing lots could be paired with multiple new rear yards. This potential lotting would have an undesirable impact on the existing private amenity space of adjacent residential units.
49. In my opinion, policies within Section 4.11 are not adequately addressed specifically related to providing development that is desirable for the character and planned function of the existing community. The proposed front and corner yard setbacks do not positively contribute to the public realm, nor do they reflect the existing character of the surrounding community.
50. Based on various statements above, the City’s review of the applications has determined that the proposal is not compatible with the existing neighborhood in terms of lot layout and setbacks and does not complement the existing pattern and scale of development. In my professional opinion, the proposal does not comply with various sections of the Official Plan.

Issue #5

51. As outlined in the Report, the subdivision is premature for reasons related to failure to meet multiple Official Plan policies related to Managing Growth, Building Liveable Communities and Urban Design and Compatibility. It is also premature for reasons related to stormwater management, which will be discussed in my colleague Gabrielle Schaeffer's witness statement.

Issues #6 & #7

52. There are concerns with the indication that the lotting is still conceptual and may be subject to revision prior to registration of the subject plan of subdivision. Considering this is an infill development scenario, it is important to utilize planning measures to ensure that the lotting is compatible with the abutting existing residential land uses. The existing residential land uses often differ considerably in density as a result of larger lot widths and lot areas from the proposed plan of subdivision and associated lotting.

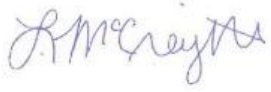
53. In my opinion, the draft plan of subdivision should be amended to accurately reflect the potential mix of lot widths and areas based on the concept plans provided to date. The current plan appears to be lotted utilizing a standardized lot width of approximately 11 metres. The provision of wider and larger lots abutting existing residential uses should be pursued and reflected on the draft plan of subdivision.

54. The neighbouring communities of Beaverbrook and Kanata Lakes provide numerous lots that are wider than 18 metres, and none that are 9 metres. While the City will accept a variety of lot widths, in my opinion, this should be determined prior to draft approval to determine the proposal's compatibility with the surrounding community / adjacent plans of subdivisions.

Issue #22

55. The City maintains that a 3 metre front and corner side yard setback is insufficient. A setback of 4.5 metres is more appropriate as this is more representative of the zoning in the majority of the surrounding residential communities. In my opinion, a greater setback will assist in creating a compatible public realm to built form relationship with the abutting existing streets.

56. In my professional opinion, in the absence of a finalized unit count and associated lotting, a maximum density for each individual zoning designation must be required to ensure that a compatible maximum density is achieved for the existing and future community.



Laurel McCreight, MCIP, RPP

November 12th, 2021

Date