

**ONTARIO LAND TRIBUNAL
TRIBUNAL ONTARIEN DE L'AMÉNAGEMENT DU TERRITOIRE**

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

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| 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

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|-------------------------------|---|
| 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 |

AFFIDAVIT OF GABRIELLE SCHAEFFER, P.ENG

I, Gabrielle Schaeffer, of the City of Ottawa, make oath and say:

1. I am a Professional Engineer, registered as a practising member of the Association of Professional Engineers of Ontario. I have 14 years of professional engineering experience, specifically within the land development industry. Four years has been with the City of Ottawa, and the previous 10 years were in the private sector. I have been at the City of Ottawa since 2017 and my current position is that of Senior Engineer, with the Development Review unit. Attached is my CV as Exhibit 1. My Acknowledgement of Expert's Duty is attached as Exhibit 2.

Submission and Correspondence History:

2. The first submission, provided in October 2019, included a stormwater management (SWM) design consisting of five (5) stormwater management facilities. The SWM design specifically included five (5) modified quantity control wet ponds with oil-grit separators (OGS) instead of forebays. Pond 3 was identified to not be necessary for quantity control. Additionally, a geomorphological study, titled *Kizell Drain Erosion Assessment*, was completed by Matrix Solutions Inc.
3. My colleague reviewed the first submission and provided comments requesting a reduction in the number of proposed ponds, the inclusion of additional quality control details, and that Low Impact Development (LID) strategies be included throughout the development and discussed in the Functional Servicing Report. The City hired a peer reviewer for the review of the geomorphology assessment and their comments were provided to the proponent as part of the first submission review package.
4. The second submission, provided in July 2020, included a SWM design consisting of five (5) stormwater management facilities with a total of seven (7) OGS units. The SWM design specifically included four (4) modified quantity control wet ponds with OGS units instead of forebays (one facility with twin OGS units) for quality control, and one (1) underground stormwater management facility for quantity control, with twin OGS units for quality control. The geomorphological study provided was no longer produced by Matrix Solutions Inc. and a study completed by GEO Morphix Ltd was provided. The geomorphological erosion assessment was completed based on the scenario with LID implementation (removal of 3 or 5 millimetres of runoff) and resulted in "no exacerbated rates of erosion within the receiving watercourses" [Kizell Cell].
5. I reviewed the second submission. This submission did not include any site-specific LIDs in the functional design of the site to ensure their viability, nor how 3 or 5 millimetres of runoff would be redirected to infiltration or evapotranspiration. Reply City comments were provided specifying the requirement to provide proposed site-specific LIDs for consultation with various City stakeholder departments. LIDs are to be discussed and agreed upon by all parties prior to Draft Plan Approval.
6. The active storage depth in the proposed modified (quantity control only) SWM ponds exceed the active storage depths permitted in the Ministry of Environment, 2003 SWM

Design Guidelines. Some of the ponds are proposed with submerged inlets leaving questions as to how the OGS units will function under submerged conditions.

7. Additionally, a single reference to possible use of sump pumps was made in the appendix of the JFSA Preliminary Stormwater Management Report. A City comment was made specifying that *"If sump pumps are in fact proposed, the Applicant must discuss where sump pumps are expected within the body of the FSR and provide the required information as per Technical Bulletins 2018-04 and 2019-02. The proponent will need to ensure every criteria of the Technical Bulletins are met before the City will consider sump pump use in this area. However, every effort should be made to limit the number of proposed sump pumps if not eliminate them altogether."* Technical Bulletin 2018-04 specifies the need for a hydrogeology report.
8. The City's Geomorphological peer reviewer was satisfied with the second submission geomorphological assessment.
9. The third submission, provided in June 2021, continued to include five (5) stormwater management facilities as described in the second submission, but combined with a site-wide Etobicoke Exfiltration System (EES), which is a specific type of LID technique. The EES replaced all OGS units of the previous design for quality control. The SWM modelling assumed the site-wide EES would be able to infiltrate 22 millimetres of runoff from the whole site, thereby completely removing 22 millimetres of runoff volume across the site in the SWM model. The geomorphological assessment conclusions remained the same as in the second submission since more than 3 or 5 millimetres were proposed to be directed to the EES. No hydrogeology report was provided.
10. The proposed EES approach was reviewed by the City and rejected since the selected site-wide LID technique (EES) is not viable for this site given the underlying clay (low impermeability) soils, high groundwater and high bedrock in several areas of the site. Given these site limiting factors, reliance on this LID system is not appropriate for quality and/or quantity control.
11. The active storage depth in the proposed modified (quantity control only) SWM ponds continue to exceed the active storage depths permitted in the Ministry of Environment, 2003 SWM Design Guidelines.
12. I reviewed the third submission. In the third review comments, the City specified that *"If sump pumps and/or infiltration LIDs continue to be proposed, a hydrogeological study will need to be provided as per City sump pump requirements and City LID requirements."* Additionally, another comment stated, *"The hydrogeological study is to also assess the impact to groundwater stability through the surrounding sensitive clay soils created from proposed bedrock blasting to create Ponds 1 and 3. This assessment is to be complete alongside the hydrostatic pressure assessment in the ponds previously requested."* While the City does not have complete LID guidelines, the City does have a recently completed report titled Final Report - Low Impact Development Technical Guidance Report – Implementation in Areas with Potential

Hydrogeological Constraints, February 2021, which was provided to the proponent for guidance with the third submission City comments package. The City sump pump requirements and LID requirements indicate a need for a hydrogeological report.


13. Since the City rejected the use of the EES as the basis of the revised stormwater approach, the City did not engage the City's geomorphological peer reviewer for the third submission, as the use of the EES formed the basis of any changes made to the geomorphology conclusions.
14. Since the basis of this stormwater management approach relied on the use of the EES for quality, quantity, and downstream erosion control as well as water balance, and the EES was rejected, there is no current proposed stormwater management approach.

Current Proposal

15. The Clublink Engineering Witness Statements and Reply Witness Statements are mostly based on a stormwater management proposal that has not been provided to the City for review. From reading the statements, it appears the proposal will include a variety of new LID techniques. The results from the revised SWM model appear to show "an increase in downstream erosion potential" as noted by Paul Villard's Reply Witness Statement.
16. In order for the City to comment on the stormwater management approach described in the Witness Statements and Reply Witness Statements, the City needs to receive a revised submission package that details the current proposal and addresses all previous comments, including a hydrogeology report.
17. In order for the proponent to address all City review comments, discussions may need to be held prior to a resubmission package being provided to the City.

Review Steps and Timeline

18. Once the City receives a 4th submission package with a new stormwater management approach, the city will require approximately 7 weeks to review and respond to the proponent. The steps and timelines for these 7 weeks are as follows:
19. Circulation to internal City stakeholders and external stakeholders – 2 days (running time = 2 days)
20. Review period for stakeholders is typically 2 to 3 weeks for typical, uncomplicated development applications. However due to the complexity of this proposed development and the possible implementation of a variety of LIDs greater time is need for review for a Total Stakeholder Review Period of 5 weeks (running time = 5 weeks and 2 days)

- SWORN remotely by Gabrielle
Schaeffer at the City of Ottawa
before me on the 24th day of
December, 2021, in accordance with
O. Reg. 431/20
Administering Oath or Declaration Remotely
- 
- A Commissioner for the taking of Oaths, etc.

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This is Exhibit "1" to the Affidavit of Gabrielle
solemnly affirmed before me this 24th day of December 9,
2021

A handwritten signature in black ink, appearing to read 'T. C. Marc', is written over a horizontal line.

Timothy C. Marc
A Commissioner for the Taking of Oaths, etc

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Gabrielle Schaeffer, P.Eng

gabrielle.schaeffer@ottawa.ca

(613) 580-2424, ext.22517

Work Experience

December 2018 - **City of Ottawa, Planning, Infrastructure and Economic Development**
Present

Senior Engineer, Infrastructure Applications - West

- Leader providing technical direction to the West Development Review Branch team,
- Supervisory role of Project Managers, Engineering Interns, and Engineering Co-Op Students in the West team
- Review and approval of development applications in the West Area including complex files like Kanata North Lakeside, and Kanata North Urban Expansion Area
- Development Review coordinator of LRT Phase 2 station reviews

October 2017 - **City of Ottawa, Planning, Infrastructure and Economic Development**
December 2018

Project Manager - West

- Review and approval of development applications in the West Area including complex files like Goulbourn Forced Road Front Ending Agreement, and brownfield developments.
- Liaise with various internal City stakeholder departments, applicant and applicant's consultants, as well as external stakeholder governing authorities including conservation authorities, Ministry of the Environment, and Ministry of Transportation
- Provided stormwater management review seminar to Engineering Interns and students for various scenarios of site plan applications

June 2015 - **Lascelles Engineering and Associates Ltd., Ottawa**

October 2017 *Civil Engineering Department Head*

- Oversaw company operations related to the Civil Engineering Department including staff management and budgets.
- Responsibilities included project proposals, budgets, staff assignment, mentorship, client management and governing authorities' communication.
- Provided civil engineering design and project management for various private development applications on behalf of the applicant. Applications included subdivisions, site plans, and zoning by-law amendments, among others.



- Collaborated and coordinated designs with other development disciplines including planners, architects, geotechnical engineers, transportation engineers, etc.

October 2012 - **LRL Associates Ltd.**, Ottawa
June 2015 *Civil Engineering Project Manager*

- Technical leader for Civil department within LRL; tasks included proposal preparation, staff project assignment, and providing quality assurance and quality control of project documents prior to submittal to governing authorities.
- Developed company AutoCAD and drawing standards, as well as civil engineering calculations spreadsheets.
- Civil designer duties included technical research and design of water, sanitary, storm and stormwater management infrastructure for site plan and subdivision applications. Document preparation including plans and design reports.
- Technical mentor of new or junior civil engineering staff including teaching how to use and navigate AutoCAD Civil 3D, engineering calculations as well as water and stormwater modelling (EPANet and PCSWMM, respectively).

June 2007 - **R.J. Burnside and Associates Ltd.**, Mississauga
October 2012 *Intermediate Civil Engineering Designer*

- Developed Civil engineering experience in several sectors including: Commercial Development, Municipal Infrastructure, Residential Development (subdivisions & condominiums), Water Resources (storm water and flood control & prevention), Solid Waste (landfill design) and Field Services.
- Planned, investigated and prepared development applications including sewer, stormwater management and grading designs, engineering plans and reports.
- Liaised with all stakeholders and addressed all civil engineering authority comments on behalf of the client.

Education

2003-2007 **Queen's University**

- Bachelor of Applied Science in Civil Engineering with a focus in Environmental Engineering

Professional Membership

2015 - present Professional Engineering License under the Professional Engineers of Ontario

This is Exhibit "2" to the Affidavit of Gabrielle
solemnly affirmed before me this 24th day of December 9,
2021

A handwritten signature in black ink, appearing to read "Timothy C. Marc", is written over a horizontal line.

Timothy C. Marc
A Commissioner for the Taking of Oaths, etc



Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

| OLT Case Number | Municipality |
|-----------------|--------------|
| PL200195 | Ottawa |

1. My name is Gabrielle Schaeffer
I live at the City of Ottawa
in the province of Ontario
2. I have been engaged by or on behalf of the City of Ottawa to provide evidence in relation to the above-noted Ontario Land Tribunal ('Tribunal') proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date: Nov 12, 2021.....
Signature