

Summary of Written and Oral Submissions

Zoning By-law Amendment – 847 Woodroffe Avenue

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 847 Woodroffe Avenue (ACS2021-PIE-PS-0007), prior to City Council's consideration of the matter on February 24, 2021.

The final Summary will be presented to Council for approval at its meeting of March 10, 2021, in the report titled 'Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of February 24, 2021'. Please refer to the 'Bulk Consent' section of the Council Agenda of March 10, 2021 to access this item.

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Number of delegations/submissions

Number of delegations at Committee: 2

Number of written submissions received by Planning Committee between January 4 (the date the report was published to the City's website with the agenda for the January 14 meeting) and February 11, 2021 (this committee meeting date): 8

Primary concerns, by individual

John Archibald (oral and written submissions)

Written submission, January 13

- raised concerns about impacts to his and his neighbour's properties caused by stormwater runoff from the development property
 - both he and his neighbor are concerned about flooding as they have patio doors at the rear of their houses, and he has electric baseboard heaters and a floor vent to his furnace in the room where his patio doors are, which could be dangerous if water were to enter
 - the developer's revised (September 2020) Stormwater Management Memorandum, Proposed Storm Water Management Plan and Grading Plans, are based on an erroneous assumption that there is a rear yard swale tributary to a storm sewer on a nearby property; this is not the case, as was indicated in an email from a City inspector who stated that "The existing drainage pattern is for each property to collect their own water in a low-laying area within that

property until it can evaporate or percolate into the ground. There is no outlet, swales, or direction of flow, and water should not be conveyed from one property to the next

- in the developer's latest submission, the developer's engineer, DSEL, claims there is a swale "tributary" to a 300 mm storm sewer within Georgina Dr.; this is misleading, not to mention that Georgina is on the other side of Woodroffe Ave.; the City and DSEL need to show that water from a "swale" behind 847 Woodroffe will flow overland and eventually enter a city storm sewer, whether it is under Lenester Ave. or Georgina Dr., if they wish to continue this claim
- it is also claimed by DSEL that 65% of the sites stormwater presently runs off the site to this swale, which is not the case; there is a low-lying area at the rear of their site that presently acts as a reservoir to hold excess stormwater, and this low-lying water retention area at the rear of the property is especially important during the winter/spring months when ground is frozen and winter rains and snow melt are not able to be absorbed into the ground; when winter stormwater starts ponding in their rear yards, it can get 6 to 8 inches deep along the property line; the low-lying reservoir at 847 Woodroffe Ave. is very important and the loss of it would only mean more stormwater would have to be held and retained on the adjacent properties, resulting in the potential flooding of their homes; the new development will actually increase the flow of storm water into adjacent rear yards because there will cease to be any absorption on the property, as this existing low-lying reservoir will be filled in with buildings, hard surface landscaping and a parking lot
- the proposed storm water management and grading plans show that all of the stormwater, drainage and debris collected in the parking lot, access lane and a good portion of the site is being directed to flow through curb cuts at the rear of the parking lot, leading to small catch basins/drains; any blockage of the proposed catch basins/drains with leaves, ice, snow plastic bags and other debris would render them useless and there would be nothing to stop all the storm water and contaminated drainage from the parking lot and etcetera from flowing past these catch basins/drains and onto the adjacent properties; should the developer be confident in their drainage proposal, they must install these catch basins/drains inside the parking lot and not have any curb cuts that would allow storm water to flow off their property; this would ensure that these drains are kept cleared of snow/ice and debris and any deficiencies in their drainage system would flood their parking lot and would also motivate the property owners to remedy any flooding issues before they become major flooding problems that affect the adjacent property owners

- asked Planning Committee's help to get answers to specific concerns and questions he had previously posed to staff about the application and drainage from the property

Written submission, January 18

- reiterated request for response to identified concerns with respect to:
 - the City's position about a rear yard swale tributary to a storm sewer within Georgina Dr.
 - the City's position about allowing contaminated drainage from the parking lot of the infill development onto adjacent properties and any guarantees about damage to those adjacent properties, including impacts in vegetation
 - the City's position about requiring the developer to put catch basins/drains inside their parking lot without having curb cuts that drain stormwater onto adjacent properties
 - the City's rationale for approving stormwater management plans for this new infill development that contradict statements from staff in the City's Drainage System Maintenance and Operation, Parks, Forestry and Stormwater Services Department, and whether they have reviewed the September 2020 Stormwater Management Memorandum, Proposed Storm Water Management Plan and Grading Plans
 - the City's position on (and assumed liability with the developer for) whether the proposed drainage plans for this new infill development will compensate for the filling in of the existing low-lying area at the rear of the site, originally designed as a reservoir to hold excess stormwater, and that the additional stormwater runoff created from the new parking lot and all the proposed new hard landscaping will be contained in a way that there will be no adverse impact on the adjacent properties
 - whether an updated site plan has been submitted that would address their concerns with respect to privacy and quality of life issues, in respect of required drainage, fencing, garbage storage, hard landscaping and the soft landscaping required for the site

Written submission, January 28

- thanked staff for their discussion with him but noted his ongoing concerns regarding errors/flaws in the Stormwater Management Plan proposed for this site, as previously indicated, and requested information about amendments to the drainage plan, site plan terms and conditions and enforcement mechanisms of such

Written submission, February 9

- reiterated previous concerns about contaminated stormwater runoff impacting adjacent properties and errors and contradictions in the documentation provided
- provided additional history / context of his (and the neighbor's) discussions with the developer, staff and the ward councillor
- asked that the delegated authority to approve any of the site plans, stormwater management plans and grading plans be removed and that any approvals be done at the Planning Committee level

Oral submission, February 11

- reiterated concerns outlined in his written submissions but noted the ward Councillor and the developer had reached out to him two days before the meeting to discuss a new grading plan, which appears to address some of the concerns he had identified about stormwater drainage, as the new plan includes the installation of a containment wall on the perimeter of the site, with all the stormwater being directed into drains inside that new containment wall, and assurances that the height of the proposed containment wall will be a minimum of 6 inches above the parking lot and drains to be installed, and, in addition, there would be a large holding tank on the property for the stormwater
- asked that the updated plans be provided to him and Committee and Council and for assurances that there would be mechanisms in place to prevent deviation from these plans
- noted the staff report lays out some solutions to their concerns with regard to snow removal, garbage storage, and etc. and asked for assurances about approval and enforcement

John Robertson (written submission)

- shares a rear lot line with the development property and objects to the proposal because of concerns about drainage and zoning provisions

January 13 submission:

- drainage concerns
 - the developer and their hired engineers characterize the area running along the rear property lines as a rear yard swale but neither the City nor the developer has shown that this area is in fact a swale; a letter from a City inspector indicates "There is no outlet, swales, or direction of flow, and water should not be conveyed from one property to the next.", so for the City to rely exclusively on

the opinion of a developer's consultant and ignore its own employees it shows a gross lack of due diligence on the part of the City planners, and with the swale deemed to be non-existent it cannot be stated that 65 per cent of the site is currently draining into the swale, as is indicated in the report

- the report's own admission that, post development, 25 percent of site runoff will flow into the rear yards of abutting properties is a clear admission that water from the 847 Woodroffe will most certainly be conveyed from the development property to the rear neighbor's
- regarding the proposal to "refine the existing rear yard swale", it is not identified on what land this would be taking place; the proposed site plan shows hardscape within 1m of the rear property line, which leaves no space to refine a swale even if it actually existed; post development, the low lying areas will exist only on the abutting rear properties
- if the City of Ottawa approves the drainage plan as written it will assume legal jeopardy for all future overland flooding events involving the surrounding properties
- the grading plan shows an "Emergency Flow Route" to a curb cut at the rear of the property; the small difference in elevation between the catch basins and the curb cut would result in the curb cut being the path of least resistance should the catch basins perform at anything other than 100 percent of their design specifications; storm drains rarely perform close to 100 percent during fall and winter so in the event of a full blockage from ice and snow the result would be a return to the aforementioned 65 percent of runoff flowing towards the rear of the property; post development, the difference would be that without the current backyard green space to accommodate the water, a "river" would flow out through the curb cut from the hardscape and flood low lying areas on the abutting properties, which would also be the scenario during an extreme weather event during the summer; the only solution would be to delete the curb cut; with a continuous curb around the parking spaces the water would rise to the height of the curb while still allowing for spill over during an extreme weather event; pooling water in the parking area would alert the owners/tenants for the need to remedy the underperforming catch basins; without this change the City will set the stage for numerous annual calls to the By-laws department from low lying neighbours trying to address this foreseen design flaw; should the Planning Committee feel the necessity to approve the development, this modification to the drainage plan should be required

- reduction in Zoning provisions
 - City planners have somehow concluded that the “requested amendments are minor and technical in nature.”, however, while some of the five requested reductions are relatively minor, the lot width reduction stands out as definitely neither minor nor technical; for this proposal to work, the developer requires a reduction from 15 metres to 9 metres per building for a total of 12 metre reduction, whereas to meet current Zoning it would require a 30 metre wide lot, and 847 Woodroffe is a little over 18 metres, so this “minor” request is for a 40% reduction in lot width
 - a lot width reduction would be more palatable if the developer wanted to infill two traditional homes with backyards and traditional building orientation, as has been done in other nearby redevelopments, rather requesting five zoning amendments in order to build 8 residential units on a standard lot; the staff report indicates that “This creates a situation where it is difficult for most infill developments to satisfy the provisions related to lot width”, but the difficulty lies with the developers desire to overbuild small lots, not with the zoning requirements
 - this is a case of double dipping, where the developer tries to take advantage of the new long semi-detached infill option while not respecting the relevant zoning in order to squeeze in two buildings where only one should be; if this development is approved, the fronts of twin two-storey houses would face his backyard and would not respect his privacy, contrary to the claim in the staff report that that abutting neighbours’ concerns have been addressed regarding concerns over loss of privacy

February 9 submission

- appreciates the effort that the developer has put into trying to solve the water issues for the rear yard neighbors, though the continued reference to “the swale” by the developer and City staff is troubling, as it has conclusively been shown that no such swale exists
- the latest design is good, as it addresses the containment of runoff and directs storm water to on-site drains
- the fence design is still a little problematic regarding the height from grade relative to the height of the parking area; according to the drawings, the pavement height is between .46m and .79m higher than the natural grade where the proposed fence will be located, so, in essence, the developer has agreed to protect their privacy with what is effectively a 1m (3’3”) fence, not a 1.83m (6’) fence; as cars drive up the

driveway, a short fence will not be sufficient to block the adverse effects of their headlights shining directly into the bedrooms at the rear of his house; the obvious solution is to locate the 1.83m fence at the edge of the elevated parking area so that it is in fact a 1.83m fence as viewed from the development side

- the official grading plan needs to be amended before the Planning Committee considers the project to include the following changes, as a compromise that hopefully the developer and all the neighbors can agree too:
 - the drawings should show a continuous wall around the rear of the property with details pertaining to the fact that it protrudes from the ground to contain storm water
 - the large arrow referencing an emergency flow route needs to be removed
 - the drawings need to show the fence relocated to the top of the wall so that the neighbors' privacy is protected with a 1.83m fence

Berny Latreille (written submission)

- the drainage plan for this property must be ensured to be well designed, such that no run-off from heavy rainfall, snowmelt or other ever reaches adjacent properties; affected homeowners have been commenting on the shortcomings of the plans for several months and have yet to see final plans that address this to their satisfaction, though they understand that a new plan is just now being presented
- with respect to the scale of the proposed development, supports the City's objective of intensification to mitigate urban sprawl and all that brings with it, but going from a single dwelling to eight units on a property is extreme, and this approval process seems to always assess projects individually, rather than what applying this decision ten or twenty or more times can do; it is this death by a thousand cuts that changes the character of neighbourhoods - in this case, it poses the very real threat of converting, over time, a family neighbourhood into a dormitory, given its proximity to Algonquin College and transit to universities; intensification can take place more moderately than with proposals such as this one
- the decision on the recent Maple Grove proposal, which was awful for the homeowners in the community, was one more example of how this process almost always seems to favour developers rather than communities and homeowners' property values, which creates no illusions about the likelihood of the Woodroffe project's outcome; to the average person, the process seems arcane, opaque and developer-centric; .there must be a middle ground between the status quo in communities and projects that are only driven by a free market and the profit motive

Primary reasons for support, by individual

The applicant, as represented by Jack Stirling, The Stirling Group and Peter Hume, HP Urban (oral submission)

- they understand Mr. Archibald's (and his neighbour's) concerns and have been working with their engineers and City staff on a plan to address them; they finalized the plan last week and it will that entail measures to ensure that 97.7% of the water on site will flow directly from the subject site to the Woodroffe system and 2.3% of it will stay in a small bioswale at the back of the subject property and will evaporate; the plan includes the installation of an eight cubic metre storage tank; no water from the subject site will flow onto the adjacent properties
- they will continue to be good neighbours and work with them in future

Effect of Submissions on Planning Committee Decision: Debate: The committee spent 14 minutes in consideration of this item at its February 11 meeting (the item was deferred from the January 14 meeting).

Vote: The committee considered all submissions in making its decision and carried the report recommendations as presented.

Ottawa City Council

Number of additional written submissions received by Council between January 14 (Planning Committee consideration date) and February 24, 2021 (Council consideration date): 0

Effect of Submissions on Council Decision:

Council considered all submissions in making its decision and carried the report recommendations without amendment.