

Understanding the City devapp process and how it applies to 100 Weeping Willow Lane in 2021

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Take a deep breath

You may not like what you are about to read.

But this is a distillation of Beaverbrook's experience with multiple development applications over the last decade and the KBCA's current perspective on the most recent 100 Weeping Willow Lane application.

What works and what doesn't

It defines what we can collectively and effectively do and what has worked in the past.

It also defines issues – all valid objections and will most likely cause problems down the road - but which the City and the development application process will not consider significant enough to refuse or change a proposal.

How we can be most effective

As a community, we have been effective when we get behind a single view of what we object to, what we propose as a change and where there are solid grounds and a reasonable chance of success in asking for a change or refusal.

The Province and City define the “rules”

The Province defines how Cities do their Urban Planning via the Provincial Policy Statement and the Provincial Planning Act which requires the City to write an Official Plan and Zoning Bylaw. The Official Plan specifies what types of development is allowed and where they are allowed. The City's Development Application process (devapps) defines how a developer can apply and the steps for approval, change or refusal. To have an impact we all need to understand these “rules” and use them, where possible to our advantage

And one key thing – our local Councillor cannot approve or refuse applications in Kanata North single-handedly. Devapps are subject recommendations by City Planning Staff. All Councillors get a single vote to accept, modify or reject the recommendation.

Beaverbrook and Development Applications – some Background

The KBCA has been opposing inappropriate development applications for the last 11 years, which started with 2 the Parkway. It includes the recent Clublink application, 100 Steacie, 1131/51 Teron (3 times), 100 Weeping Willow Lane in 2014 and now a second change to 100 Weeping Willow Lane.

The KBCA has never been happy with the Provincial Planning Act, its current direction and the City of Ottawa Official Plan at its approach to development in Beaverbrook. It is all about the City's

priorities, not the community's. This sentiment is shared across every Community and Community Association in Ottawa.

Some key points on the Official Plan:

- If the City doesn't approve, change or refuse a devapp based on the Official Plan, the development application appeals court (Ontario Land Tribunal) will overturn decisions by the City, nine times out of ten in favour of a Developer.
- The Official Plan, however, open to interpretation, including by the City Planners (and by us). We can influence the City, but it needs to be said using the language of a professional Urban Planner and quote sections in the Official Plan.
- Since 2010, and emphasized in 2013 and again in 2021, the City has had a Provincial mandate to push for higher density, including in established communities. While the Official Plan does call for "community character" and "local context" to be a consideration, the City is respecting community character less and less in recent years..

Beaverbrook's main problem is a plan for a Bus Rapid Transit BRT route on March Road to be built in 2035+, which will designate March Road as a major transit corridor and bus stops as major transit "nodes". The current rule is that higher density and height are permitted within 600 to 800m of a BRT "node", which is the case for much of Beaverbrook.

The City increasingly sees nothing wrong with putting a downtown type building into Beaverbrook, located right at the curb, resembling Westboro or similar areas close to downtown.

If you are really interested see:

<https://ottawa.ca/en/urban-design-guidelines-high-rise-buildings>

What can we do?

1. Use a professional Urban Planner to review the application and determine if the development application can be opposed under the City's rules. The KBCA is very fortunate to have Dennis Jacobs as our Urban Planner, who works at very reasonable rates and has been instrumental in getting changes to 2 the Parkway and in the refusal by the City to Clublink's application to redevelop the golf course
2. Get to know the City Planner on the file. Unfortunately, this is not always possible, and they are not always approachable.
3. Where the Developer is open to discussion, the KBCA looks for an opportunity to negotiate directly. If true, the KBCA has worked with our Councillor to organize meetings with the community and Developer. The KBCA and community were successful with the 2014 application by Taggart for the 100 Weeping Willow property, plus some changes on privacy, lighting and other issues with 1131/51 Teron. Unfortunately, this is highly dependent on the Developer.

To be clear, petitions and how many of the community are in opposition have little effect.

What types of issues will the City consider for refusal or changes to a Devapp?

This is a moving target and is dependent on the application. The only effective answer is to have a professional Urban Planner who is up to date with the City's decisions to review the application to identify issues.

- Major technical issues (e.g., stormwater management, flooding...)

- Not allowed under the Official Plan - there is nothing in the current OP to allow 1500 homes retrofitted (“infill” is the formal term) into an existing community (Clublink)
- Hi-density proposals out of character within the existing community. This worked for the Kanata Golf Course, but it is not within 600 to 800m of a major transit node
- Shadowing by the building

What types of issues are effectively ignored by the City?

These are all important issues that may be extremely valid, but in the experience of the KBCA (and other Ottawa communities), these are issues the City will not consider for changes or refusal on development applications.

- Traffic
- Compromising existing levels of privacy and overlook
- Impact on Property Values
- Infrastructure stress (roads, stormwater, sewer, electrical, ...)
- Requests for the City to fund city infrastructure changes related to the application

About 100 Weeping Willow Lane

Using the “City rules”, what can be objected to about this application for refusal

We have had our professional Urban Planner go through the file in detail. He regrets that this application is consistent with the current Official Plan and would likely be approved by the City Planning dept, Planning Committee and the City Council without any changes.

A rezoning request for an increase of 2 m (30m to 32m) in height and an increase from 87 units to 143 are consistent with similar applications elsewhere in Ottawa, which have been approved, particularly near a major transit node (see above).

What could we attempt to change?

The KBCA believes we may get the Developer to re-orient and relocate the building on the property, change the look and exterior materials and improve the privacy and overlook.

Developers Proposal



Community Proposal



The City may have options to transplant the toboggan hill and address the path problem. This requires discussion with the City.

Common issues raised about this application in Beaverbrook community member comments to the City

There have been several sets of comments provided to the City, of which some of you have copied the KBCA. There are some common objections raised, which we will attempt to address in the context of “the City rules”.

The following diagram will help with some of the issues. This diagram used the City of Ottawa geoOttawa mapping tool, which is very useful for understanding lot lines and other details. This is the official city repository on properties and infrastructure.

<https://maps.ottawa.ca/geoOttawa/>



- **Not compatible with the Community or Bill Teron’s vision**

Note: In talking with several long-term residents, this property was intended for two apartment buildings. It was always intended that the second building be located and oriented similar to the current building, minimizing community impact

See discussion of the City’s attitude to community compatibility in recent years earlier in this document.

Side Note:

There is a possibility of getting Heritage Status for Beaverbrook (Rockcliffe has this) which enforces compatibility. Beaverbrook has been scheduled since 2016 for a Heritage study and was due for one in 2020, but that type of work was halted due to the pandemic. So it may be too late to investigate for this application.

Many in Beaverbrook may object to Heritage status. Observation: Any talk of heritage status gets a knee-jerk reaction from some residents, who are also not interested in explanations as to why it may be a solution to this type of development. Heritage is not a simple topic, and there are many different levels of Heritage for a community (vs. a specific building).

- **Location**

- ◇ High-rise belongs on an arterial street (Teron, below Campeau)

The OP allows for this type of development within 600 to 800m of major transit node (March Road 2035+)

- **Privacy and overlook**

See the comments earlier in the document. All of Ottawa is being subject to taller buildings closer to existing homes.

- **Lytle Park**

- ◇ Community toboggan hill and local park

Unfortunately, we have all been misled by the sign for Lytle Park. This is shown on the map, above as being on the private property of 100 Weeping Willow lane. The actual northern park boundary is actually defined by the purple-shaded area between the red lines.

Also, unfortunately, the City cannot tell the property owner what they can do with the property other than for flood plains or other aspects governed by legislation. So there is nothing that the City can do to force the Developer to retain the berm and access to it for public use.

- **Traffic**

- ◇ Proximity to schools, and large number of students using the pathways
- ◇ General traffic increases
- ◇ Traffic study assumptions invalid
- ◇ Varley is not a collector/connector road

The City does define Varley a collector

As stated earlier, the City is “tone deaf” on traffic concerns for development applications.

- **Relocate the traffic to an entrance on Teron Road**

There are several reasons why this is not possible:

- ◇ The City would have to approve a new entrance onto Teron Road, which is unlikely given the pre-existing entrance off of Varley
- ◇ While it may have been a consideration in 1985, in 2021 you cannot build on a flood plain (see map, above), which takes up most of the property on the Teron side.

- ◇ It has been suggested to extend Weeping Willow Lane to Teron

Weeping Willow Lane is a private road (not owned or controlled by the City) and belongs to the Northview Apartment RIT, which owns and manages the low-rise townhomes north of 100 Weeping Willow Lane.

- **Disturbing a wildlife habit – the many ducks who use the creek and flood plain.**

There are no plans in the application to disturb the gully, creek bed or flood plain. The issue is, will the Developer take sufficient action to protect this area during construction. Unfortunately, the City has a poor track record of enforcement.

- **Blasting**

- ◇ Impact on local homes, etc.

Blasting is a provincial jurisdiction, including oversight during construction. As well, the legislation covers reporting of damage and compensation. So this is not applicable in a City development application.

- **Property value impact** - has not been mentioned (yet), but it always comes up.

Property value impact is not an Urban Planning issue and is not discussed or considered in development applications.

- **Infrastructure stress** (roads, stormwater, sewer, electrical, ...)

Infrastructure is not a direct consideration in the Official Plan for rezoning or other aspects of development applications.

Observation: both the City and Province are pursuing intensification on the fiction that community infrastructure has the extra capacity or can be upgraded when needed. Given that Canada's last round of major city infrastructure investment was in the 1960s through 1980s with an expected lifetime of 50 years, what could go wrong?