

- 1. CLYDE AVENUE HOLDINGS INC.
1199 CLYDE AVENUE SUBDIVISION, CLYDE / MERIVALE
CITY OF OTTAWA - REFERRAL TO ONTARIO MUNICIPAL BOARD**

COMMITTEE RECOMMENDATIONS AS AMENDED

That Council approve:

- 1. That subdivision application 06T-99003 (former Assaly lands), be referred to the Ontario Municipal Board;**
- 2. That the OMB be advised that prior to registration of the final plan for subdivision application 06T-99003, the Owner shall be required to enter into an Agreement with the Regional Municipality of Ottawa-Carleton to repay the Region its share of the costs, including but not limited to: parkland dedication; stormwater design; sanitary sewers; water services;**
- 3. That the OMB be advised that the Regional Subdivision Agreement applying to subdivision application 06T-99003 will include a requirement that the construction of the Stormwater Management Facility must be completed, and the storm sewers connecting this subdivision to the stormwater treatment facility must be constructed, before an Inhibiting Order for any part or parts of the final plan are removed (with the possible exception of the lots fronting on Clyde Avenue whose development may be permitted if the City of Ottawa identifies capacity in the storm sewer on Clyde Avenue);**
- 4. That should the Board approve the Subdivision application, the OMB impose the Conditions For Final Approval attached as Annex D to this Report; and**
- 5. That should the Board determine that a Clyde/Maitland intersection is required, the OMB impose the additional Conditions For Final Approval attached as Annex E to this Report.**
- 6. That staff be directed to examine in greater detail the advantages and disadvantages of requiring the construction of a four way intersection at Clyde/Maitland, as well as any other options (i.e. right in, right out) which are identified by staff and the community.**

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 22 Sept 99 is immediately attached.
2. Correspondence received from the following, attached at Annex H:
 - H. Bruce Cole, President, Central Park Citizens Group.
 - addendum to Mr. Cole's submission.
 - Mark A. Lavinkas, President, Carlington Community Association.
 - Lois K. Smith, Ph.D.
 - Janet E. Bradley, Solicitor, Gowlings, on behalf of Clyde Avenue Holdings Inc.
3. An Extract of Draft Minute, 12 Oct 99, follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. (25) 15-99-SD03
 Your File/V/Réf.

DATE 22 September 1999

TO/DEST. Co-ordinator Planning & Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **CLYDE AVENUE HOLDINGS INC.
 1199 CLYDE AVENUE SUBDIVISION
 CLYDE/MERIVALE - CITY OF OTTAWA
 REFERRAL TO ONTARIO MUNICIPAL BOARD**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee recommend that Council approve:

- 1. That subdivision application 06T-99003 (former Assaly lands), be referred to the Ontario Municipal Board;**
- 2. That the OMB be advised that prior to registration of the final plan for subdivision application 06T-99003, the Owner shall be required to enter into an Agreement with the Regional Municipality of Ottawa-Carleton to repay the Region its share of the costs, including but not limited to: parkland dedication; stormwater design; sanitary sewers; water services;**
- 3. That the OMB be advised that the Regional Subdivision Agreement applying to subdivision application 06T-99003 will include a requirement that the construction of the Stormwater Management Facility must be completed, and the storm sewers connecting this subdivision to the stormwater treatment facility must be constructed, before an Inhibiting Order for any part or parts of the final plan are removed (with the possible exception of the lots fronting on Clyde Avenue whose development may be permitted if the City of Ottawa identifies capacity in the storm sewer on Clyde Avenue);**
- 4. That should the Board approve the Subdivision application, the OMB impose the Conditions For Final Approval attached as Annex D to this Report; and**

5. That should the Board determine that a Clyde/Maitland intersection is required, the OMB impose the additional Conditions For Final Approval attached as Annex E to this Report.

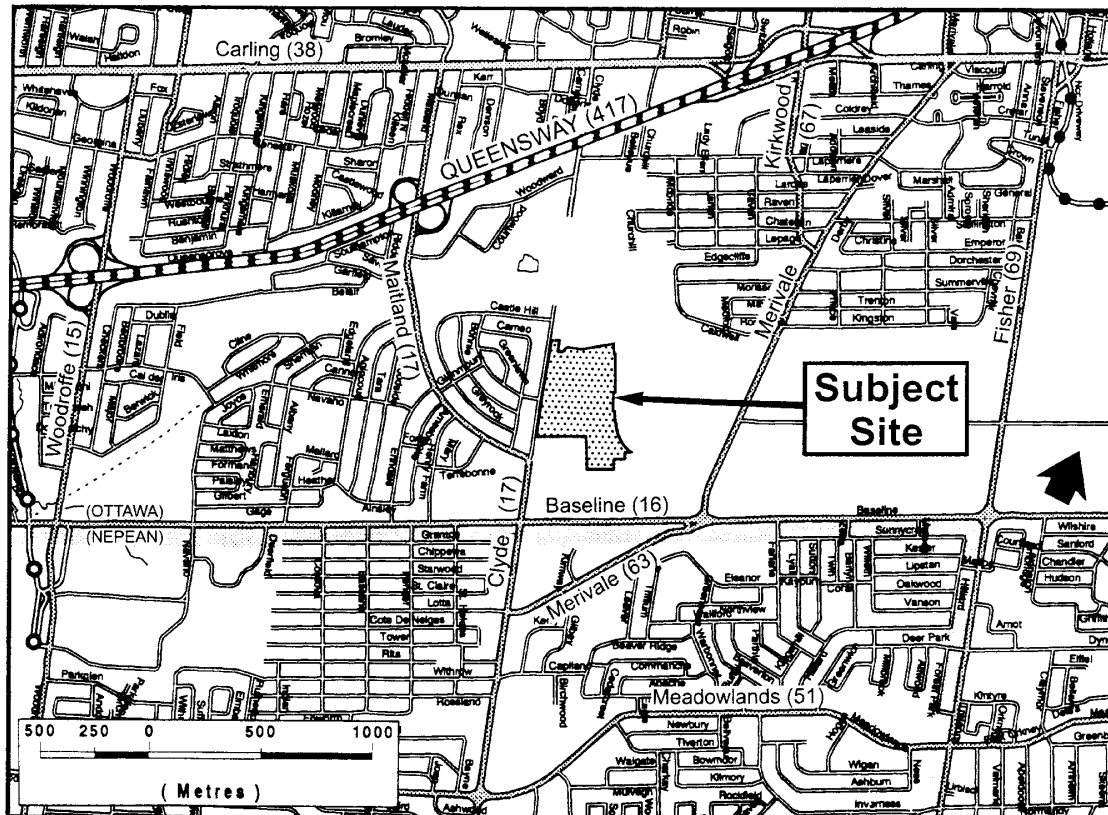
BACKGROUND

(An Historical Background for the subject site is included as Annex G)

The subject site is designated "General Urban Area" in the Region's Official Plan and is designated "Residential Area" in the Ottawa Official Plan, with a small portion (Conservation Easement lands) being designated Environmentally Sensitive Area. As such, the proposed subdivision conforms to the land use designations in both the Regional and Ottawa Official Plans.

The site was the subject of rezoning applications. There were a number of appeals to these applications, and the City recently rescinded By-laws 160-99, 161-99, 162-99 and 163-99, and adopted new Zoning By-laws 187-99, 188-99, 189-99 and 190-99; of which 188-99 and 190-99 have been appealed. A condition has been added to the Regional Conditions for Final Approval requiring the plan of subdivision to conform to a Zoning By-law that has been approved, with all avenues of appeal exhausted (Condition 6).

Subdivision Application



The Regional Municipality of Ottawa-Carleton received the subdivision application from Clyde Avenue Holdings on February 17, 1999 (see **Annex A**) and circulated the application under the procedures set out in accordance with the approval procedures established as a result of the delegation of subdivision approval powers to the RMOC. The application was deemed complete in accordance with the Planning Act, on June 1, 1999.

Regional staff had originally prepared a Draft Approval report and was in the process of submitting this report to Planning and Environment Committee when the owner's solicitor filed a referral request under Section 51(34) of the Planning Act (i.e. Failure of the Council of the Regional Municipality of Ottawa-Carleton to make a Decision on an Application for Subdivision Approval within 90 Days after the Day of Application is Received by the Approval Authority). This referral request (see **Annex C**) is the subject of this report.

The table attached as **Annex B** compares the previously approved subdivision with the new application. However, as discussed later, the Industry Canada Lands are not included in this subdivision application.

The subdivision application was the subject of a Public Meeting under Section 51 (21.2) of the Planning Act, as amended by Bill 20. The required Statutory Declaration and Record of the Public Meeting has been received from the City. Approximately 300 people were in attendance. The Minutes of this Public Meeting are attached as **Annex F** to this report. No objections were received to the subdivision application, but numerous written submissions were received as a result of the Public Meeting. Some residents have requested to be informed of the decision by Regional Council.

As a result of comments made by the public, the subdivision application has been amended to:

1. add the swampland as part of the Conservation Easement lands, which are being transferred to the City of Ottawa as part of their Environmental Lands Portfolio;
2. delete all reference to possible street alignments in the Industry Canada-Department of Communications (**DOC**)lands, since these lands are not part of the subdivision application and currently are unavailable for development;
3. add 0.3 metre reserves along the two common boundaries of the subject lands with the DOC lands;
4. delete the most southerly straight-line road link proposed between Scout Street (formerly called Staten Drive) and the DOC lands;
5. add a pedestrian walkway between Scout Street and the Laurentian High School Ottawa-Carleton District School Board lands;

6. reduce the width of Blocks 32 and 36 to 6.0 metres, which would preclude the use of this easement as a public road (easement for watermain will be required by RMOC).

The City of Ottawa Department of Urban Planning and Public Works has been advised of these changes and has no objections to the approval of the subdivision plan as revised.

DISCUSSION

Four major issues pertain to this subdivision.

Servicing Costs

There is an outstanding requirement for the repayment of costs already incurred by the Region to pay for the service improvements, improvements that were required for this proposed development. This is discussed more fully in Annex G and Recommendation 2 provides for an Agreement.

Stormwater Management Facility

The required stormwater management facility is now under construction but is not yet operational and there is no piped connection between this facility and the subject subdivision application. An Inhibiting Order has been placed on the Phase 2 portion of the former RMOC lands, and Regional staff recommend that an Inhibiting Order be placed over this subdivision application. This Inhibiting Order would be removed from portions of the registered subdivision plan only upon the satisfaction of all requirements of the Region as the development proceeds through the "build-out" process. The only possible exception to permitting development in advance of completion of the stormwater facility is for lots fronting Clyde Avenue where there is a stormsewer but whose capacity to accept additional run-off must be confirmed by the City of Ottawa at the time connection(s) are proposed.

Third Access (Clyde/Maitland)

At the time the former Assaly subdivision was approved by the Ontario Municipal Board, the Region agreed to permit the reconstruction of the Clyde/Maitland intersection to a "four-way" intersection to allow access from the former Assaly lands only. This access was not intended to also serve vehicular access to the former RMOC lands. The Board imposed a condition requiring the owner to reconstruct this intersection to the satisfaction of the Region (OMB February 24, 1992 Decision, Schedule A, Conditions 20-25).

Since that time the subdivision approval has lapsed and the current owner, Clyde Avenue Holdings Inc., has submitted a new Transportation Impact Study, and an Addendum 1 Report to that study, which supports the owner's position that Merivale Road could accommodate all of the traffic generated from this entire project.

Regional staff have completed an initial assessment of the third access at Clyde/Maitland and have concluded that the intersection would likely fail. As such, Regional staff cannot support the third access option, either for the Clyde Avenue Holdings Inc. land or for the DOC lands.

However, it is recognized that the third access option is a contentious issue and is likely a matter that will be determined by the Ontario Municipal Board. OC Transpo has indicated that should a third access at Clyde/Maitland be constructed then that access would be used to service the Central Park community. This would necessitate a transit service link between Central Park Drive and the third access. As such, additional Regional Conditions for Final Approval protecting a possible transit linkage through this subdivision are included as **Annex E** should the OMB decide to require the construction of the Clyde/Maitland intersection.

Clyde Avenue Density of Development

Several written comments received by the City of Ottawa raised a concern about the density of development along the eastern side of Clyde Avenue. While these residents indicate single unit residences are the preferred land use, the owner is proposing semi-detached units.

Section 2.3 objective 2 of the Regional Official Plan states that it is the objective of the Regional Development Strategy "To encourage denser, more compact and more balanced development on lands designated for urban purposes. Furthermore, Section 3.1 objective 2 states that it is a Regional objective "to create compact communities that make the most efficient use of land, buildings, infrastructure, and public services and facilities."

As such, the Regional Planning and Development Approvals Department considers the development of semi-detached units on the easterly side of Clyde Avenue to be in conformity with the Region's Official Plan. Also, this form of development is similar in form and density to the existing semi-detached residential development on the western side of Clyde Avenue, and thus is in character with the adjacent neighbourhood.

CIRCULATED DEVELOPMENT REVIEW AGENCIES

Agencies With Conditions

RMOC Legal Department,

RMOC Development Approvals Division (Planning and Development Approvals Dep't) DAD,

OC Transpo

City of Ottawa

Rogers Cable

Bell Canada

RVCA- Rideau Valley Conservation Authority

Enbridge Consumers Gas

Ottawa-Carleton District School Board, OCDSB

Agencies Requesting Non-Standard Conditions

None of the circulated agencies requested non-standard conditions

Agencies Opposed

The only circulated agency which stated an objection is the Ottawa-Carleton District School Board. The Board advises that it "cannot support" the possible deletion of the Clyde/Maitland intersection. As indicated above this is not part of this subdivision approval.

CONCURRENCE

The Owner, Clyde Avenue Holdings Inc. concurred in writing on 20 August 1999 with the draft Regional Conditions for Final Approval

CONCLUSION

The approval of the subdivision application for 1199 Clyde Avenue is recommended, subject to the owner entering into subdivision and other agreements with the Region and City of Ottawa to cover such matters as:

- repayment to the RMOC of expenses incurred by the Region to improve external services, without which the subject lands could not be developed for urban purposes;
- provision of necessary infrastructure to the subject site prior to the issuance of building permits by the City of Ottawa;
- transfer of Conservation Easement lands to the City of Ottawa as part of the City's Environmental Lands Portfolio

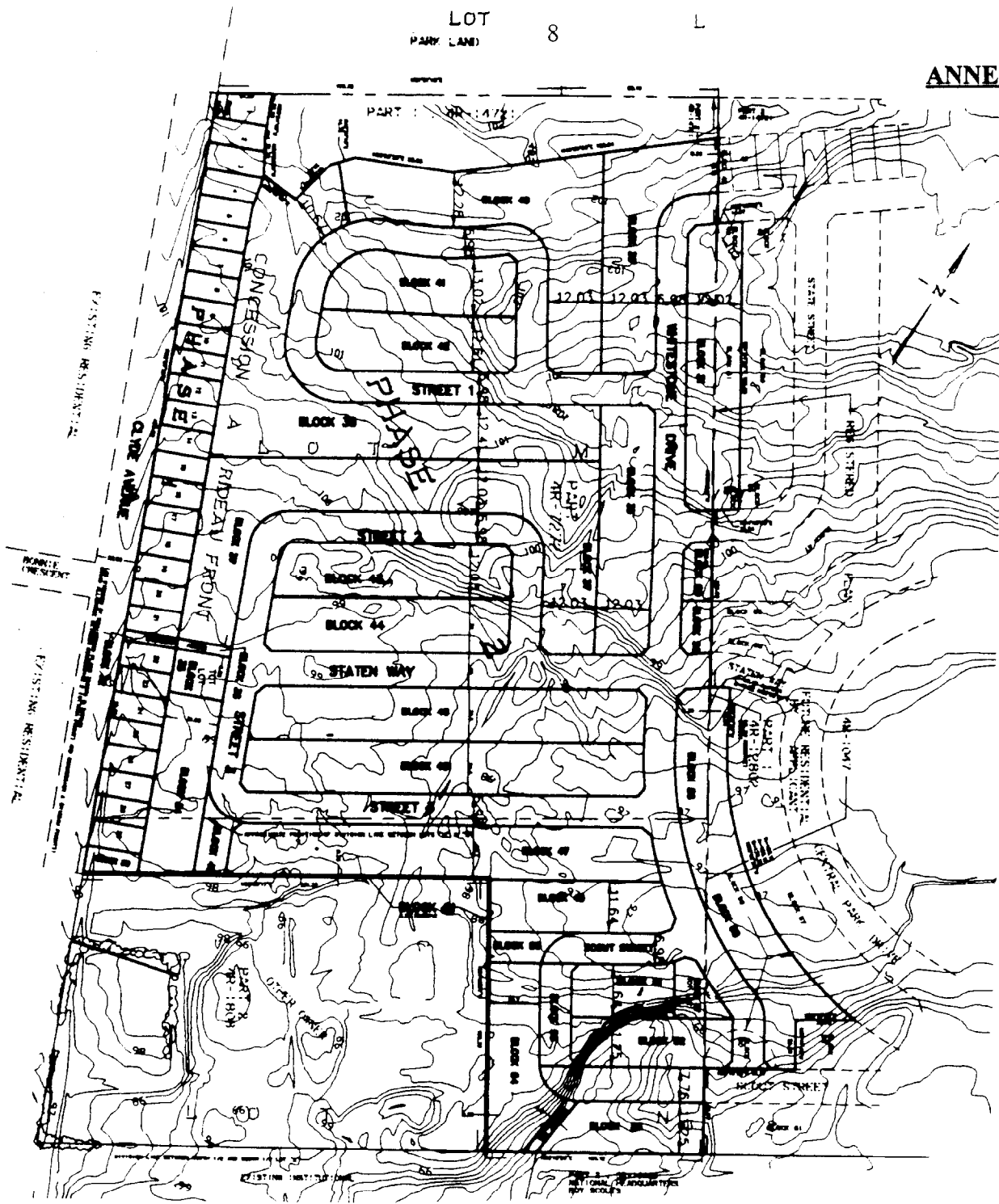
CONSULTATION

The City of Ottawa and the Community Associations in this area (Central Park Citizens Group, Copeland Park Community Alliance and Carlington Community Association) have been kept informed of the issues involved in this on-going development. A public meeting was held jointly by the City of Ottawa and the Region on June 2, 1999, under Section 51 (21.2) of the Planning Act. The required Statutory Declaration and Record of the Public Meeting has been received from the City.

FINANCIAL IMPLICATIONS

There are financial implications to the Region; Regional staff will be required to attend the OMB Hearing on this matter.

Approved by
N. Tunnacliffe, MCIP, RPP
 Attach
 RH/



CLYDE AVENUE HOLDINGS INC.

SUBDIVISION

15-99-SD03

CITY OF OTTAWA

06T-99003

NOTE:

THIS REDUCED ILLUSTRATION IS FOR GENERAL INFORMATION PURPOSES ONLY. THE ORIGINAL ENLARGED PLAN IS ON FILE WITH THE PLANNING & DEVELOPMENT APPROVALS DEPARTMENT FOR REFERENCE IF REQUIRED.

Clyde Avenue Holdings Inc. Subdivision
(Former Assaly Lands & Department of Communications-DOC-Lands)

<u>LAND USE PROPOSED</u>	<u>The Previous OMB Approved Subdivision</u>	<u>The New Clyde Avenue Holdings Inc. Subdivision</u>
Single Detached Dwelling Units	254	177\ (237)
Double/Semi Detached Units	0	60/
Row Housing Units	128	154
Apartment Units	156	0
<u>Sub-total Residential</u>	538(includes DOC)	391 units
<u>DOC Lands</u>		148 units
<u>Total Residential</u>	<u>538 units</u>	<u>539 units</u>
Park or Open Space	1.0 ha (2.47 ac) (Ottawa Cond. 51)	0 ¹
Conservation Area	1.6 ha (3.95 ac)	1.106 ha (2.73 ac) ² (Cons. Easement + Walkways, Tot Lots)

¹ 1.0 ha of the previous parkland designation has been moved from original DOC site to Central Park (former RMOC lands).

² Figure does not include recent addition of swampland to Conservation Easement lands.

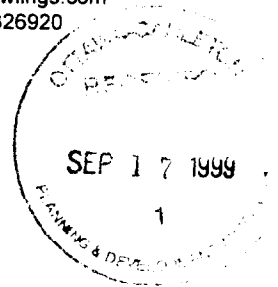


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Our File 02326920

September 16, 1999

Mr. Nick Tunnacliffe, Commissioner
Planning and Development Approvals
Regional Municipality of Ottawa-Carleton
2nd Floor
111 Lisgar St.
Ottawa, Ont.
K2P 2L7



Dear Sir:

Re: Appeal to the Ontario Municipal Board Pursuant to Section 51(34) of the Planning Act Concerning the Failure of the Council of the Regional Municipality of Ottawa-Carleton to make a Decision on an Application for Subdivision Approval within 90 Days after the Day the Application is Received by the Approval Authority

On behalf of Clyde Avenue Developments Ltd. we hereby appeal to the Ontario Municipal Board pursuant to Section 51(34) of the Planning Act from the failure of the Council of the Regional Municipality of Ottawa-Carleton to make a decision on an application for a plan of subdivision within ninety days after the day the application is received, all relating to property municipally known as 1199 Clyde Ave..

On August 9, 1999, I advised the Ontario Municipal Board that the City of Ottawa had received one appeal, from Lois K. Smith, with respect to four by-laws enacted by the City of Ottawa with respect to the development of this large parcel of land. Since that date, there has been correspondence from the solicitor for the City of Ottawa advising the Board that, as a result of a notice defect, the City repealed the four by-laws originally appealed by Ms. Smith and enacted four replacement and identical by-laws on August 4, 1999. These are By-law Nos. 187-99, 188-99, 189-99 and 190-99.

Lois Smith has told the City solicitor and me that she will be continuing her appeal on these four by-laws and intends to appeal the plan of subdivision. We are advised by the Regional Municipality of Ottawa-Carleton that a report on the plan of subdivision will be considered by the Planning Committee on the 12th of October and by Regional Council around the 20th of October. The notice of decision will thereby follow and it will be towards the end of November before the appeal period will expire. As there is some urgency with respect to development of these lands and as we are aware only of this one appeal, we hereby appeal pursuant to Section 51(34) to expedite a hearing date on this matter. We hope the Region will continue to process the application and to take the proposed conditions of draft approval to the Planning Committee

meeting, as scheduled, on October 12th, 1999. The Board will, therefore, have the Region's proposed conditions of draft approval for the hearing.

Along with our application, we are submitting the following:

1. A copy of the application for approval of the subdivision plan, including a copy of the draft plan. You will note that the application was made on February 17, 1999.
2. A copy of a letter from the Regional Municipality of Ottawa-Carleton to the owner dated February 19, 1999, acknowledging that the application has been received.
3. A copy of a letter from Roger Hunter of the Regional Municipality of Ottawa-Carleton to the owner, dated June 1, 1999 deeming the application complete as of June 1, 1999.
4. A copy of a draft report from the Staff of the Regional Municipality of Ottawa-Carleton to its Planning and Development Committee outlining conditions of draft approval recommended by the Region and listing the agencies notified and including conditions requested by the various agencies notified.
5. A letter to the Clerk of the City of Ottawa and the Regional Municipality of Ottawa-Carleton enclosing this letter of appeal.

Please note that our cheque in the amount of \$125.00 has already been sent to the Ontario Municipal Board.

We request that this matter be joined with appeals filed by Ms. Lois Smith to By-laws 160-99, 171-99, 162-99 and 163-99 and to By-laws 187-99, 188-99 and 189-99 and 190-99 and that a hearing be scheduled as soon as possible. In accordance with my letter of August 9, 1999, please note that this matter also relates to Planning File No. 990162 and Z99032. This Board file, however, can now be closed or consolidated with the appeals referred to herein as it relates to the same parcel of land and the proposed zoning for it.

I anticipate at this time that 2 days will be required for this hearing.

The Board should be aware that we are continuing to negotiate with Ms. Smith and, although a hearing date is required, we are hopeful that many of the matters can be resolved in advance of the hearing.

Yours very truly,



Janet E. Bradley

JEB:jw

Attach.

c.c. R. Hunter

**ONTARIO MUNICIPAL BOARD (REGIONAL) CONDITIONS FOR FINAL
APPROVAL**

**CLYDE AVENUE HOLDINGS INC.
1199 CLYDE AVENUE SUBDIVISION**

DRAFT APPROVED YYYY/DD/MM

The Ontario Municipal Board's conditions applying to the approval of the final plan for registration of Clyde Avenue Holdings Inc. 1199 Clyde Avenue Subdivision (06T-99003) are as follows:

General

1. This approval applies to the draft plan certified by Paul A. Riddell, OLS, dated August 9, 1999, showing 29 lots for semi detached units and 30 Blocks for mixed (singles/semis/townhouse) residential development., roadways, walkways and tot lots.
2. The owner agrees, by entering into subdivision agreements, to satisfy all requirements, financial and otherwise, of the City of Ottawa and the RMOC, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage. **RMOC (PDAD) City of Ottawa**
3. Any residential blocks on the final plan shall be configured to ensure that there will generally be no more than 25 units per block. **RMOC (PDAD)**
4. The approval of the subdivision is on the basis of the approved number of lots and any splitting of these lots, if permitted by the zoning by-law will be reviewed to determine whether such splitting should be permitted and under what conditions. **RMOC (PDAD)**
5. Prior to any further division of lots or blocks, the RMOC or the City of Ottawa may require an additional agreement to address any new or amended conditions. **RMOC (PDAD)**

Zoning

6. Prior to registration of the plan of subdivision, the RMOC shall be advised by the City of Ottawa that the proposed plan of subdivision conforms with a zoning by-law approved under the requirements of the Planning Act, with all possibility of appeal to the OMB exhausted. **RMOC (PDAD)**

Transportation

7. The owner has acknowledged and agreed that despite anything to the contrary in the Zoning By-law, to construct only large single unit dwellings beyond a 400 metre walking distance from public transit service, save and except for those lots with direct frontage onto Clyde Avenue which will have only single and semi-detached units constructed on them. The walking distance measurements of OC Transpo shall be considered as "final" when determining walking distances from transit services. **RMOC (PDAD)**
8. The owner shall review the Traffic Impact Study in the year 2005 if the development has not reached 80% completion by the year 2005. This review of the Traffic Impact Study shall comply with RMOC's Transportation Impact Study Guidelines (September 1995), Ontario Ministry of Transportation's Manual of Uniform Traffic Control Devices, Trip Generation Manual, "5th Edition" Institute of Traffic Engineers, 1991 and Highway Capacity Manual, 1985, as amended, and shall be completed when requested by the Planning and Development Approvals Department, and shall be to the satisfaction of the Planning and Development Approvals Department. **RMOC (PDAD)**
9. All streets shall be named to the satisfaction of the City of Ottawa and the Regional Planning and Development Approvals Department.. **RMOC (PDAD) City of Ottawa**

Public Transit

10. The owner shall, if deemed necessary by the Planning and Development Approvals Commissioner, ensure that the staging of the subdivision, including dwellings, roadways, walkways and paved passenger standing areas, or shelter pads and shelters, will be constructed in a sequence that permits the operation of an efficient, high-quality transit service at all stages of development. **RMOC (PDAD)**

Pedestrian Walkways

11. The owner agrees to design and construct a paved, public, all-season 6 metre pedestrian walkway to the satisfaction of the Region, the City and the Ottawa-Carleton District School Board on Block 55. The final location of this Block shall be moved to the west to accommodate the relocation of the north-south leg of Scout Street to the easterly boundary of the DOC lands (adjacent to the 0.3m Reserve), said relocation being to the satisfaction of the City and OCDSB, fenced to the satisfaction of the City of Ottawa and the OCDSB, and deeded to the City at no cost to the City. The continuation of a east-west pedestrian/cycling link between Scout Street and the DOC lands will also be required, to the satisfaction of the City of Ottawa. **RMOC (PDAD) City of Ottawa OCDSB**

12. The owner shall construct a sidewalk on the south side of Scout Street linking the pedestrian walkway in the condition noted above to Central Park Drive, to the satisfaction of the OCDSB and the City of Ottawa. **RMOC (PDAD) City of Ottawa OCDSB**

Reserves

13. A 0.3 m reserve (Block 61) along the two boundaries of this subject subdivision application adjacent to the Federal Government lands (Public Works/Industry Canada, Department of Communications) shall be conveyed to the RMOC at no cost to the Region. **RMOC (PDAD)**

Land/Streetscaping

14. The owner shall prepare a *Stage 2 Detailed Tree Planting and Conservation Plan* report, and a Property Owner's Manual, prior to final approval of the plan intended for registration. The Regional Subdivision Agreement will require the owner to implement the recommendations of the Stage 2 report. The Stage 2 report will make recommendations on the lot grading and drainage plans for Lots 1-3, Block 38 and Block 40 where they abut the Conservation Easement lands to ensure that the groundwater regime in the Conservation Easement lands is not adversely affected by building construction, and recommendations as to any measures needed to reduce the environmental impact of noise, vibration, dust and soil erosion on the Conservation Easement lands. **RMOC (PDAD)**

Conservation Easement Lands

15. The Conservation Easement Lands (referred to as Part 1, 4R-14721) shall be transferred to the City of Ottawa as an addition to the City's Environmental Lands Portfolio. The owner shall not call into question the right of the City or Region to impose this condition, and that concurrence with these conditions can be pleaded as an Estoppel in a court of law. **RMOC (PDAD) City of Ottawa**

Stormwater Management

16. Prior to the commencement of construction of any phase of this subdivision (roads, utilities, any off site work, etc.) the owner shall: **RMOC (PDAD) City of Ottawa RVCA**
- a) have an *Erosion and Sediment Control Plan* prepared by a Professional Engineer in accordance with Current Best Management Practices,
 - b) have such a plan approved by the RMOC, the RVCA and the City of Ottawa,

provide certification to the RMOC through a Professional Engineer that the plan has been implemented.

17. Prior to registration the owner will provide written confirmation to the RMOC from the City of Ottawa that the *Stormwater Site Management Plan* which has been prepared for this subdivision and which shall identify the sequence for the implementation of the Plan in relation to the construction of the subdivision, is in conformity with the approved Addendum to the Stormwater Design Plan, prepared by Cumming Cockburn Limited. **RMOC (PDAD)**
18. On completion of all stormwater works, the owner shall provide certification to the RMOC through a Professional Engineer that all measures have been implemented in conformity with the Addendum to the Stormwater Design Plan, prepared by Cumming Cockburn Limited. **RMOC (PDAD)**
19. The owner agrees that the commencement of construction of any phase of this subdivision (buildings, roads, utilities, etc.) will not occur until such time as the stormwater management facilities [practice(s)] required by the approved Addendum to the Stormwater Design Plan, prepared by Cumming Cockburn Limited, have been designed and constructed in accordance with all municipal and agency requirements. **RMOC (PDAD)**
20. The owner acknowledges and agrees that the Stormwater Design Plan for this Plan of Subdivisions must also make provision for the transport/treatment requirement of the adjacent lands (Federal Government/Public Work Canada/Industry Canada-Department of Communications), as per the Addendum to the Stormwater Design Plan, prepared by Cumming Cockburn Limited, to the satisfaction of the RVCA, the City of Ottawa and the Regional Planning and Development Approvals Commissioner. **RMOC (PDAD) City of Ottawa RVCA**
21. The owner shall contribute its portion of the cost (land, money, etc.) to implement the stormwater management works which were completed on subdivision 06T-92026, including the Cave Creek collector, to the satisfaction of the City of Ottawa. The owner shall provide written confirmation from the City of Ottawa to the RMOC that the required contribution has been received. **RMOC (PDAD)**

Cost Sharing

22. The owner agrees that, prior to approval of the final plan intended for registration, to enter into an Agreement with the Regional Municipality of Ottawa-Carleton to repay the Region its share of the cost (on a flow basis) of the sanitary sewer attributable to the subject lands constructed within the lands formerly owned by the Regional Municipality of Ottawa-Carleton, and outletting to the Cave Creek Collector at Shillington. The Cost Sharing Agreement with the Region shall include the cost associated with but not limited to: parkland dedication; stormwater design; sanitary sewers; water services. **RMOC (Legal)**

Water and Sanitary Services

23. The owner shall design and construct all necessary watermains within the subject lands to the satisfaction of the RMOC. The owner shall pay all related costs, including the cost of connection, inspection and sterilization by Regional personnel. **RMOC (PDAD)**
24. The owner acknowledges and agrees that the water and sanitary services for this Plan of Subdivision must also make provision for the servicing requirement of the adjacent lands (Federal Government/Public Work Canada/Industry Canada-Department of Communications), to the satisfaction of the City of Ottawa and the Regional Planning and Development Approvals Commissioner. **RMOC (PDAD) City of Ottawa**
25. The owner shall be required by the Region's Subdivision Agreement to enter into a *Cost Sharing Agreement* with the owners of the adjacent lands (Federal Government/Public Work Canada/Industry Canada-Department of Communications, or successors) to deal with all costs associated with but not limited to: parkland dedication; stormwater management works and design; sanitary sewers; water services and the construction of all interchanges giving access to the 06T-92026, 06T-99003 subdivisions and DOC lands, including but not limited to, if necessary, land acquisition, contract drawings preparation, utility relocations, advertising, road work, traffic signal lights installation, construction supervision, as built drawings preparation, and other engineering and administrative costs for the modification of the Regional intersection of Clyde Avenue and Maitland Avenue and installation of an additional traffic lane(s) along the affected Maitland Avenue (Regional Road 17). In the event of a dispute between the parties, the decision of the Regional Planning and Environment Committee and Regional Council shall be final. The owner agrees that failure to enter into said agreement may be sufficient reason for the Region not to lift the Inhibiting Order for all or a part of the subdivision lands (06T-99003). It is acknowledged that this condition will apply to any development application for the DOC lands. **RMOC (PDAD)**
26. The details for water servicing and metering shall be to the satisfaction of the RMOC. The owner shall pay all related costs, including the cost of connections and the supply and installation of water meters by Regional personnel. **RMOC (PDAD)**
27. Upon completion of the installation of all watermains, hydrants and water services, the owner shall provide the RMOC with mylar(s) of the "as-built" plan(s), certified under seal by a professional engineer, showing the location of the watermains, hydrants and services. Furthermore, the owner shall provide the "as-built" information and the attribute data for the water plan installation on diskette in a form that is compatible with the Regional computerized systems. **RMOC (PDAD)**
28. Financial security, in the amount of 100% of the value of the water plant, in accordance with the MOE Certificate, must be field with the Regional Legal Department, pending preliminary acceptance of the water plant. **RMOC (PDAD)**

29. The installation of the water plant shall be subject to inspection by the RMOc at the owner's expense. **RMOc (PDAD)**
30. The owner shall install the necessary watermains in accordance with the staging schedule approved by the RMOc. **RMOc (PDAD)**
31. All prospective purchasers will be informed through a clause in all Purchase and Sale Agreements, that no driveway shall be located within 3.0 m of an existing fire hydrant. No objects, including vegetation, shall be placed or planted within a 3.0 m corridor between a fire hydrant and the curb, nor a 1.5 m radius beside or behind a fire hydrant. **RMOc (PDAD)**
32. All prospective purchasers, will be informed through a clause in all Purchase and Sale Agreements, that a fire hydrant may be located or relocated, at any time, in front of any lot within the plan of subdivision. **RMOc (PDAD)**
33. The owner shall design and construct a 406 mm diameter watermain in Blocks 32 and 36 of the plan of subdivision from Clyde Ave. to Street #6 to the satisfaction of the Regional Environment and Transportation Commissioner. **RMOc (ETD)**
34. The owner shall grant a 6 m easement over Blocks 32 and 36 to the Region to accommodate the watermain to be constructed in this Block, all at the owner's expense and to the satisfaction of the Regional Planning and Development Approvals Commissioner. The owner acknowledges and agrees that the easement shall remain clear of all parking stalls, trees and shrubs. Grading within the easement shall be to the satisfaction of the Regional Environment and Transportation Commissioner. **RMOc (PDAD)**
35. As the owner proposes a road allowance(s) of less than 20 metres, and if the owner also proposes boulevards between 4.0 and 5.0 meters wide, the owner shall meet the following requirements. **RMOc (PDAD)**
- a) Extend water services a minimum of 2 m onto private property during installation before being capped.
 - b) Install hydro high voltage cable through the transformer foundations to maintain adequate clearance from the gas main.
 - c) Provide and install conduits as required by each utility.
 - d) If a sidewalk is to be installed, it shall be located adjacent to the curb and constructed of asphalt. Sidewalks, transformers and hydrants must be placed on opposite sides of the road. Sidewalks must be part of the initial design or not installed at all.
 - e) Provide and install transformer security walls when a 6 m clearance, as required by the Electrical Code, cannot be maintained. The design and location of the security wall must be approved by the local hydro utility.
 - f) Install all road crossing ducts at a depth not to exceed 1.2 m from top of duct to final grade.

Utilities

36. Such easements and maintenance agreements which may be required for electrical, gas, water, sewer, telephone and cablevision facilities, shall be provided and agreed to by the owner, to the satisfaction of the appropriate authority; and that the owner shall ensure that these easement documents are registered on title immediately following registration of the final plan; and the affected agencies are duly notified. **RMOC (PDAD) City of Ottawa Bell Ottawa Cable Consumers Gas Ottawa Hydr**
37. Where the relocation or removal of any existing on-site/adjacent utility facility, including water, sewer, electrical, gas, telephone and cablevision, is required as a direct result of the development, the owner shall pay the actual cost associated therewith to the satisfaction of the appropriate utility authority. **RMOC (PDAD) City of Ottawa Bell Ottawa Cable Consumers Gas Ottawa Hydr**
38. The owner shall co-ordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade), including on-site drainage facilities and streetscaping)--such location plan shall be to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable. **RMOC (Leg)**
39. The owner shall grade the streets to final elevations prior to the installation of gas lines to the satisfaction of Enbridge Consumers Gas **Enbridge Cons. Gas**
40. The owner shall provide field inspection prior to and after completion of gas works. This shall be to the satisfaction of Enbridge Consumer Gas **Enbridge Cons. Gas**
41. The owner shall provide necessary field survey information required for the installation of gas lines by Enbridge Consumers Gas. **Enbridge Cons. Gas**
42. The owner shall ensure that the streets are constructed in accordance with the municipal standards, maintaining suitable separation distance between all utilities, to the satisfaction of Enbridge Consumers Gas. **Enbridge Cons. Gas**

Noise Attenuation

43. The owner shall:

**RMOC
(PDAD)**

- a) have a noise study prepared and certified by a Professional Engineer (expertise in the subject of acoustics related to land use planning), if deemed necessary by the Planning and Development Approvals Commissioner, for the Clyde (Regional Road portion) and Maitland Avenues recommending noise control features satisfactory to the Regional Planning and Development Approvals Commissioner. The study shall comply with MOEE LU-131, Noise Assessment Criteria in Land Use Planning, the RMOC's Standards for Noise Barriers and Noise Control Guidelines, and be in accordance with the current version of the APEO Guidelines, for Professional Engineers providing Acoustical Engineering Services in Land Use Planning;
- b) implement the specific noise control measures recommended in the approved noise study and any other measures recommended by the RMOC including, as applicable, the RMOC's "Standards for Noise Barriers" as may be amended;
- c) prior to the construction of any noise control measures, provide certification to the RMOC through a Professional Engineer that the design of the control features will implement the recommendations of the approved study;
- d) prior to the registration of the plan of subdivision, provide financial security in the amount of 100% of the cost of implementing the recommended noise control measures; and
- e) prior to final building inspection, provide certification to the RMOC, through a Professional Engineer, that the noise control measures have been implemented in accordance with the approved study.

Purchase and Sale Agreements and Covenants on Title

44. A warning clause will be inserted into the Regional and local subdivision agreements and in all offer of purchase and sale agreements, to read as follows:

**RMOC
(PDAD)**

- a) The owner agrees to include a clause in all Purchase and Sale Agreements advising prospective lot purchasers that, until the storm water management pond is constructed and in operation, and storm sewers have been constructed connecting this subdivision to the stormwater treatment facility, the **Inhibiting Order cannot be lifted**, and that prospective purchasers should contact the Environment and Transportation Department to ascertain the timing of construction. This clause may be waived for lots fronting Clyde Avenue should the City's stormwater conditions be satisfied.

- b) The owner agrees to advise all prospective purchasers that the construction of new dwelling units is limited to a total of 320 for phases 1, 1B, 2 (subdivision 06T-92026) and this subdivision (with the possible exception for those lots with direct frontage on Clyde Avenue should stormwater be diverted away from the stormwater management pond in subdivision 06T-92026) until such time as the Stormwater Management Facility is constructed to the satisfaction of the Regional Municipality of Ottawa-Carleton and the Inhibiting Order lifted by the Regional Municipality of Ottawa-Carleton.
- c) The owner agrees to advise all prospective purchasers that the residential streets in this Plan of Subdivision have been designed and will be constructed in such a manner as to collect Storm Water Surface Flow, and that the water will drain away as described in the "Storm Water Design Plan for the Clyde/Merivale Lands", as prepared by Cumming, Cockburn Ltd., October, 1994. Temporary pools of water will accumulate in the residential roadways during periods, of heavy precipitation.
- d) The owner agrees to advise all prospective purchasers that this subdivision plan cannot be registered until the owner has entered into an Agreement with the Regional Municipality of Ottawa-Carleton to repay the Region its share of the cost (on a flow basis) of the sanitary sewer attributable to the subject lands constructed within the lands formerly owned by the Regional Municipality of Ottawa-Carleton.
- e) The owner agrees to give notice to all purchasers who have signed Purchase and Sale Agreements that clauses a), b), c) and d) above apply to their purchase, that these matters will affect the timing of construction of the houses they have agreed to purchase. (see also f) below)
- f) Any person who, prior to draft approval, entered into a Purchase and Sale agreement with respect to lots or blocks created by this subdivision, shall be permitted to withdraw from such agreement without penalty and with full refund of any deposit paid, up until the acknowledgement noted below. The owner shall obtain an acknowledgement from those purchasers who signed before the plan was draft approved, that the plan has not received draft approval by the RMOC and that the purchase and sale agreements signed prior to draft approval shall contain a clause to notify purchasers of the above.
- g) If required, a transit roadway link built to TAC Collector Road standards linking the Clyde/Maitland access to Central Park Drive will be located between Scout Street (northern leg) and Staten Way.

Local Conditions

45. Prior to approval of the final plan intended for registration, the Region is to be advised by the City of Ottawa that all of the City's conditions specified in the staff report dated June 14, 1999, as approved by City Council on June 30, 1999, and any other conditions the City deems appropriate, have been met to the satisfaction of the City of Ottawa. **RMOC (PDAD)**

Financial Requirements

46. Upon draft plan approval, Regional services within the plan of subdivision may be installed provided appropriate financial security, insurance, and a letter of indemnity are posted to the satisfaction of the Regional Solicitor. **RMOC (Leg)**
47. Prior to registration of the plan of subdivision, the RMOC shall be satisfied that the processing fee, as prescribed in Part 6.3 of the Regional Regulatory Code, has been paid in full. **RMOC (PDAD)**

Survey Requirements

48. The plan of subdivision shall be referenced, where possible, to the Horizontal Control Network, in accordance with the municipal requirements and guidelines for referencing legal surveys. **RMOC (SURV)**
49. The owner shall provide the final plan intended for registration on diskette in a digital form that is compatible with the RMOC computerized system. **RMOC (SURV)**

Closing Conditions

50. The owner shall inform the purchaser after registration of each lot or block of the development charges that have been paid or which are still applicable to the lot or block. The applicable development charges shall be stated as of the time of the conveyance of the relevant lot or block and the statement shall be provided at the time of the conveyance. The statement of the owner of the applicable development charges shall also contain the statement that the development charges are subject to changes in accordance with the *Development Charges Act, 1997* and the *Education Development Charges Act*. **RMOC (Leg)**
51. At any time prior to final approval of this plan for registration, the RMOC may, in accordance with Section 51 (44) of the Planning Act, R.S.O. 1990, amend, delete or add to the conditions and this may include the need for amended or new studies. **RMOC (Leg)**
52. The Regional and Local Subdivision Agreement shall state that the conditions run with the land and are binding on the owner's, heirs, successors and assigns. **RMOC (Leg)**

(PDAD)
City of Ottawa

- 53.** Prior to registration of the plan of subdivision, the RMO is to be satisfied that Conditions 2 through 46 have been fulfilled. **RMO**
(PDAD)
- 54.** If the plan of subdivision has not been registered by **October 14, 2000**, the draft approval shall lapse pursuant to Section 51 (32) of the Planning Act, 1990. **RMO**
Extensions may only be granted under the provisions of Section 51 (33) of said **(PDAD)**
Planning Act prior to the lapsing date.

Regional File: (25) 15-99-SD03

ONTARIO MUNICIPAL BOARD (REGIONAL) CONDITIONS FOR FINAL APPROVAL**CLYDE AVENUE HOLDINGS INC.
1199 CLYDE AVENUE SUBDIVISION****DRAFT APPROVED YYYY/DD/MM****Special Conditions Should a Clyde/Maitland Intersection be Constructed****Public Transit**

- A.** The owner agrees that should a development application be filed for the DOC lands and at that time it is determined that a transit access to Clyde/Maitland is desirable, to notify owners that a potential transit roadway link built to TAC Collector Road standards linking the Clyde/Maitland access to Central Park Drive will be located between Scout Street (northern leg) and Staten Way. The width of Street No. 3 between Staten Way and Block 48, including Block 48, shall be increased to 20 metres on the final plan intended for registration. Sidewalks on both sides of any transit link will be required to be constructed at the owner's expense, should the proposed Clyde/Maitland access be approved. **RMOC (PDAD)**
- B.** The owner shall: **RMOC (PDAD)**
- a) orient dwellings and vehicular accesses in the vicinity of bus stops in a manner as to avoid traffic conflicts and visual intrusion and to submit plans for approval by the RMOC indicating the orientation of all dwellings and private accesses in the vicinity of all bus stop locations;
 - b) inform all prospective purchasers, through a clause in all Purchase and Sale Agreements, and indicate on all plans used for marketing purposes, those streets identified for potential transit services, the locations of the bus stops, paved passenger standing areas, or shelter pads and shelters, which may be located in front of or adjacent to the purchasers' lots at any time.

- C.** The owner shall, if deemed necessary by the Planning and Development Approvals Commissioner, design and construct, at no cost to the RMOB, paved transit passenger standing areas, or shelter pads and shelters, to the specifications of OC Transpo. These paved transit passenger standing areas/shelter pads and shelters shall be constructed at the same time as the roadways and shall be to the satisfaction of the Environment and Transportation Commissioner. **RMOB (PDAD)**
- D.** The owner agrees, if deemed necessary by the Planning and Development Approvals Commissioner, to clearly indicate on all plans used for marketing purposes the locations of potential bus stops and roads designed and constructed to TAC Collector Road standards and suitable as public transit routes. Final authority to locate and relocate bus stop locations shall be at the discretion of O-C Transpo. **RMOB (PDAD)**

**MINUTES
CLYDE AVENUE HOLDINGS
PUBLIC MEETING**

June 2, 1999

(UNEDITED - AS RECEIVED FROM CITY OF OTTAWA)

Attendees: ±300

OPENING REMARKS - Ron Desroches (Chair)

PRESENTATION

- P. Legault - Presentation, site location, proposal, traffic study, process
- D. Kardish- Overview of proposal
- R. Jack - Traffic Impact Study
 - methodology - general Terms of Reference
 - received input from city, regional staff and three community associations
 - addendum circulated a week or so ago
 - all intersections along Merivale will operate at acceptable levels with the exception of Merivale/Baseline
 - roadway modifications - Merivale Road southbound additional left turn lane.
 - Must be corrected with or without development
 - widening of Baseline road - projected to six lanes/RMOC has prioritized this as transit only critical aspect - Clyde/Maitland access - what are implications? Through traffic → necessitate traffic calming? Traffic infiltration problem
 - Exists in many communities.
 - opportunity with new subdivision not to introduce potential collection through community and through traffic problem
 - What are other scenarios, can be done directly or indirectly, all scenarios will attract cut through traffic because of existing "system" congestion.
 - Issue of trading off connection Clyde to cut through traffic
 - Even with the Clyde connection traffic reduction on Merivale 3% to 7%.

Q. Would Clyde access introduce more traffic on Clyde/Maitland?

A. More kids in Copeland - Clyde connection will cause safety concerns.

Q. Can we quantify cut through traffic - why go through community?

A. Cannot quantify cut through - do know traffic at Baseline/Clyde backs up to bend.

Q. How could one visualize Clyde/Maitland intersection?

A. Would become four-way intersection.

- Q. Would Clyde access introduce more traffic on Clyde/Maitland?
 A. More kids in Copeland - Clyde connection will cause safety concerns.
- Q. What about other intersections on Maitland?
 A. Not studied, not part of report.
- Q. Reduction in density and semantics - only 30% - still net increase in traffic on Merivale Road - Merivale residents don't want increase at all, why not share traffic?
 A. TIC numbers indicate otherwise, won't be getting any more traffic than previously.
- Q. What about climatic conditions - Maitland at capacity?
 A. All emergency providers/school boards have opportunity to review plans, technical report does not review this.
- Q. 60 townhomes on Clyde - impact on Bonnie Crescent, in particular, sharp corner at Glenmount/Maitland?
 A. 60 units generate ± 40 vehicles per hour \rightarrow from a traffic impact point of view not significant.
- Q. Live on Erindale Drive - much cut through already - anything done not to add more proposed traffic?
 A. City has looked at Copeland Park - City has done surveys in Carlington - ongoing monitoring suggested.

PRESENTATION BY HY CARSWELL - COPELAND PARK

- Development on Clyde Avenue, developer has not changed mind on singles, however, developer has responded to community concerns, with regards to Clyde access.
- Copeland supports developer's contention of no access into Clyde, understand fair share.
- However, other factors not equal. ie. Rate of traffic growth on Maitland $\pm 30,000$ vehicles which - 25% precluding Clyde access.
- Lighter Merivale has slight decline - 12,000 more vehicles on Maitland, study predicts growth on Merivale 0% per year; Maitland 4% per year.
- Within five years 35-36,000 vehicles per day Maitland as opposed to half on Merivale Road.
- O.M.B. accepted argument that not all access to Clyde, only Assaly portion, not entire development.
- Why introduce cut through traffic into new community?, supports developers traffic plan, bear out their position.

BRUCE COLE - CENTRAL PARK COMMUNITY ASSN.

- Looking at larger community, not only Central Park community
- Perceived bias by developer

- Must take Region and City to task, since 1992 known something was going into Central Park - long term planning mitigates current problems
- Cost factor to introduce mitigating factors
- Disposition of D.O.C. lands - Clyde/Maitland not only option
- Cut through traffic - some have minimized - or drastic measures, what are trade-offs, difficult to quantify
- Single main thoroughfare internal traffic dumped onto Central Park Drive both north and south, onto Merivale Road
- Conservation easement lands - request to City Councillor - lobby for lands into public ownership
- Clyde Ave. Place, 60 lots, haven't forgotten.

MARK LAVINSKAS - CARLINGTON COMMUNITY ASSOCIATION

- began involvement in '96 to protect integrity of Central Experimental Farm.
- not thrilled to introduce additional traffic - submit fair share.
- shouldn't be complaining if traffic # overall not increased.
- if reduced then why not share reduction.
- the fact that its practical does not mean feasible.
- what about other issues (Nortel, commercial) - Baseline/Merivale will face failure.
- How long are we prepared to live with failed intersection - City/Developer/Consultant - want to increase traffic Merivale.
- Carlington road network poorly designed - already problems.
- in response to traffic consultant not being able to quantify cut through traffic, how can he suggest there will be cut through traffic.
- What about safety - emergency - no access to Clyde.
- Everyone can benefit from this access.
- thank both City and Regional Councillors - hope everyone can benefit from third access.

Q. Additional traffic on Merivale Road - can we say no to this development? Three access option.

A. Have to have planning reason, TIS supports, there is appeal process if disagree.

Point - How respond to data re: more traffic on Maitland, if data shows that, then with consultation with his association then can respond.

Q. If no direct access to Maitland - there will still have traffic to Maitland from new community.

A. Some may opt to use Maitland.

Point- Merivale retail/businesses - Experimental Farm - fact of land use speak for themselves.

Point - Object to Clyde/Maitland access - if 35,000 shows high traffic on Maitland - why add additional - numbers high - there's a school on Maitland - and truck traffic.

- Q. Mentioned doubles sold already prior to approval.
A. Developer has right to sell lots on draft approved subdivision - is he selling them as singles or semis.
- Q. Can buyers withdraw agreement of purchase/sale?
A. Yes, if in agreement.
- Q. Why can't developer build singles and not semis?
A. There will be 18 more units than previous plan - impact not significant.
- Q. If D.O.C. lands sold - would third access be reconsidered?
A. Depends on development scenario - Subdivision/Site Plan - what proposed - would be subject to public process.
- Q. New traffic on Maitland with no Clyde?
A. Yes, but marginal.
- Q. Why no access from new lands to Baseline?
A. All lands in private ownership - no opportunity.
- Q. Increased traffic on Kingston (Carlington) - why not access to Clyde - north of Maitland/Clyde?
A. Anything to the north would be introducing collector into community.

MEETING WRAP-UP 9:55 P.M.

ANNEX G**Historical Background**

The subject subdivision application comprises the westerly portion of a total development of 57.23 ha (140.8 ac) known formerly as the Clyde/Merivale Project. The Regional Municipality of Ottawa-Carleton was the former owner of the easterly 37 ha (90.9 ac) of this project, while the Thomas Assaly Corporation owned the westerly 16.44 ha (40.6 ac), and had an option to purchase the DOC lands (3.79 ha (9.3 ac), for a total of 20 ha (49.9 ac)).

Former RMOC Lands	37.00 ha	90.9 ac
Former TC Assaly Lands	16.44 ha	40.6 ac
DOC/Industry Canada Lands	<u>3.79 ha</u>	<u>9.3 ac</u>
Total Clyde Merivale Project	57.23 ha	140.8 ac

The Regional Municipality of Ottawa-Carleton sold its site to Ashcroft Development Inc., while the former Assaly lands were purchased by Ashcroft Properties Inc. and subsequently transferred to Clyde Avenue Holdings Inc.

The former Assaly lands were the subject of subdivision application 06T-90036 (RMOC File: 15-90-0215), which received draft plan approval from the Ontario Municipal Board. This Subdivision Application lapsed on March 31, 1999, after which no new Purchase and Sale Agreements should have been entered into. However, some agreements were entered into by Ashcroft Properties Inc., and as a consequence a clause has been included in the draft Regional Conditions for Final Approval permitting those purchasers to cancel their purchase agreements.

While Ashcroft Development Inc. and Clyde Avenue Holdings Inc. are two separate legal entities, the projects that these companies are undertaking share essential services (water, sewer, stormwater and major road access). In fact, the principal or chief signing officer for both companies is Mr. David Choo.

When the Region dealt with the final registration of Phase 1B of the former RMOC lands Regional Planning and Environment Committee passed the following motion:

"That no registration of any phase, subsequent to Phase 1B, be permitted until the Stormwater Treatment Pond is built and functioning to the satisfaction of the Regional Municipality of Ottawa-Carleton."

The Owner requested relief from the requirement so that Phase 2 of the plan could be registered prior to the construction of the Stormwater Management Facility. This relief was granted by Planning and Environment Committee, subject to a number of requirements, including the placing of an Inhibiting Order on the entire Phase 2 portion of the subdivision (now registered as 4M-1047), and a restriction that no more than 320 dwelling units could be constructed on all of the former RMOC lands (Phase 1, 4M-970; Phase 1B, 4M-1008; Phase 2, 4M-1047) until such time as the stormwater management pond had been constructed and put in operation.

This subdivision application represents a Phase 3 to the total project. As the subdivision is now designed, all access to the subdivision (excluding lots with frontage on Clyde Avenue) will be via Merivale Road. All stormwater drainage (with the possible exception of those lots fronting on Clyde Avenue) must drain to the stormwater management facility constructed in the Phase 2 4M-1047 subdivision, and sanitary sewage must be connected to the existing services in the 4M-1047 subdivision.

However, this subdivision application has no legal access to any of these required services. That is, the Region owns a 0.3 metre reserve running along the entire common boundary line between the former RMOC land and the former Assaly lands. This 0.3 metre reserve was retained by the Region with the sole purpose of ensuring that a subdivision application on the subject lands would not be permitted to hook into the existing sewer and stormsewer systems without the applicant reimbursing the Regional Municipality of Ottawa-Carleton for the costs incurred by the Region (with the co-operation of the Federal Government through its infrastructure improvement program) to improve the external servicing. Without these improvements, the subject site could not be developed for urban uses.

Regional staff are concerned that the owner will take the position that by issuing draft plan approval, the Region is agreeing to remove the 0.3 metre reserve at no cost to the owner. That is not the case. The approval of the plan of subdivision is conditional, and it is stressed "**conditional**" on the owner entering into an Agreement with the Region to pay the outstanding costs incurred by the Region. The Region negotiated a cost of \$625,000 with the previous owners of the former Assaly lands (Amresco), and the current owner (Clyde Avenue Holdings Ltd.) is aware of the requirement to pay for external servicing costs for services benefiting his lands.

		Required Contribution
		<u>External Servicing</u>
Former RMOC Lands	37.00 ha	(paid in full)
Former TC Assaly Lands	16.44 ha	\$625,000
DOC/Industry Canada Lands	<u>3.79 ha</u>	<u>\$143,000</u>
Total Clyde Merivale Project	57.23 ha	\$768,000



CENTRAL PARK CITIZENS GROUP

CPCG-8000-2 (President)

11 October 1999

Chair
 Planning and Environment Committee
 Regional Municipality of Ottawa-Carleton
 111 Lisgar Street
 Ottawa, ON, K2P 2L7

Re: 12 October 1999 Agenda, Item 3, Clyde Avenue Holdings, Referral to OMB

Refs: A. Staff Report (25) 15-99-SD03 dated 22 September 1999
 B. Memorandum 50 23-99-R063-A dated 7 October 1999
 C. Staff Report (25) 15-99-SD03 dated 20 August 1999
 D. CPCG Third Roadway Access Survey Tabulations to 14 July 1999
 E. Notice of Appeal to OMB of By-law 68-99 filed 14 May 1999

This submission is made by the Central Park Citizens Group (CPCG). We request that the comments provided below be tabled with the Planning and Environment Committee (PEC) for consideration and as a matter of public record to the Ontario Municipal Board hearing regarding this matter.

Staff Report (25) 15-99-SD03. This report, dated 20 August 1999, was received in the mail by the CPCG. We therefore presumed that this copy had been released and was a public document. The document was also posted on the Regional website, under the PEC agenda/documents page. The information contained within this document was used to inform residents and also used in discussions with regional and city officials. The CPCG was pleased with the content and tone of this report. It was evident that regional staff had made a real effort to address the concerns of all parties: the inclusion of protection for a third access was most positive. The CPCG felt that this report, with the recommendations made, clearly defined the responsibilities of all parties concerned and, protected those issues that could not be resolved in the near term.

Revised Staff Report (25) 15-99-SD03. This revised report, dated 22 September 1999, was only released on 8 October 1999. This allowed only three days (a long weekend at that) for public review. We object to the fact that this report was finalized almost three weeks ago, but only released on Friday – this is not a positive indicator that the public process is working at the regional level. While the delay in making this report available is of concern, the real issues are the revisions contained within this report, i.e. – recommendations regarding a third access. Why was the original report released/posted without having the Environment and Transportation Department (ETD) comments factored in? What factors that the ETD presented were so critical that the tone of the report had to be changed? Are the ETD comments supported by a technical

report? Are these comments available for public review? Why was protection for the third access as an option deleted in this report when the developer had already concurred with the conditions as written? It would appear that the region is abrogating their responsibilities in this matter and handing the whole issue off to the OMB...

Provision of long-term planning of road infrastructure. With the region having adopted a just-in-time approach to the provision of services, it would appear that this methodology has also been adopted for the planning of critical roadway infrastructure and services. The Central Park development, in whole or in part, has been approved in one form or another since 1992. The related intersections have all been deemed to be at or close to failure since that time. Does this not raise the single question as to why this development was allowed to proceed, in any form, at all? To believe that pushing all traffic from Central Park onto Merivale would not increase traffic in any way along Baseline and/or Clyde is naïve.

Public safety, emergency access and liability. Is it right to force four to five thousand residents to access their homes and the greater community from a single regional road? When this point was raised with the City, they were only concerned with the provision of fire services. As such, it was determined that the designated response station, located north of the subdivision, had access via Kirkwood/Merivale, so there was no perceived access issue. The City by using this single line of approach concept has actually identified one of the most critical shortfalls – having only one designated response unit, with only one potential access point. From a contingency point, if another unit, either from the City or a neighbouring community (south or west) responded to an emergency in Central Park, response time would be increased by having to access the subdivision exclusively from Merivale. If another incident should occur such as happened in the past that closed this portion of Merivale completely, the community would be denied access or egress of any sort. This is a critical point to remember given the total population base that will include a seniors' residence. There is a liability thread that runs through all these points when considering public safety, quality of life and insurance risk evaluations.

As well, it has been generally acknowledged that the surrounding intersections that provide access to Merivale and thus to Central Park are reaching capacity or soon will. The continued development of southern communities feeding virtually all their traffic in to the main Baseline intersections continues. This development occurs seemingly without due regard for already strained access points. Where is the long-term planning?

Provision of multiple access points. Since 1992, both parcels of land (either as a whole or two separate developments) have been studied to identify access requirements for the future residents. Residents of Central Park and Carlington have lobbied hard to be heard and to present other options. The developer has either removed some options found in earlier drawings or has trivialized the proposed options so as not to impact on his 'vision'. The access options have been variations focused on a single location, with access through a parcel of land not part of the subdivision application. Therefore, it was only appropriate that these options be precluded from subsequent subdivision applications. While the original staff report specifically protected for a third access point, it was still oriented towards that property not owned by the developer. Despite several meetings that identified a number of options, not precluded due to land ownership issues, these options have never been formally studied. The following options are viable under a single or dual subdivision concept. As the revised staff report does not protect for a third access in a formal sense, the CPCG would request that the following options (or variations) be studied by the appropriate authorities:

- a. Clyde Avenue – location of a simple exit or bi-directional access point at a convenient juncture along that portion of Clyde Avenue that fronts along the Central Park development lands – this is based on a load-sharing principle that already exists along this roadway; or
- b. Clyde/Maitland Intersection – introduce a simple right-in/right-out access point where Clyde and Maitland intersect, controlled or uncontrolled; or
- c. Baseline Road – a right-in only (see option a) or a right-in/right-out with a controlled pedestrian/right turn light would provide access from a southern point along an identified right-of-way.

Transit Services. If the fourth major issue in the discussion section of the revised staff report is understood correctly, OC Transpo has indicated that there will be no transit service to the Central Park community if a third access is not constructed. Is this a bottom line for transit services or merely a means of tacitly supporting the requirement for a third access?

Data Presented. Data presented at Annex F by the representative from Copeland Park has never been supported nor validated in any form. We would request that this data either be annotated as un-validated or not be considered in further proceedings. In addition, the CPCG conducted a formal community survey after the last public meeting and the results were submitted to both the city and the region. Neither the initial staff report nor this revision contained any reference to the report and data published by the CPCG.

In closing, we would like to thank you and the committee for your consideration of these comments. If I can be of further assistance please do not hesitate to call, fax or email the undersigned. I expect to be present at the meeting tomorrow at 4:30pm.

H. Bruce Cole
President
Home: 613.798.9809
Work: 613.945-6615
president@central-park.ottawa.on.ca

cc
PEC Members
City of Ottawa Councillor Jim Bickford
Mr David Choo, President, Ashcroft Homes
Dr Lois Smith
Mark Lavinskas, President, CCA
CPCG Board of Directors

To: Chair, PEC, RMOC
Via Councillor Wendy Stewart
From: Bruce Cole, President, CPCG
Date: 12 Oct 99
Subj: CPCG Submission to PEC regarding 1199 Merivale Road Application

1. Based on queries posed regarding our submission, which was faxed and emailed to your office and all members of the PEC last evening, I would like to clarify one paragraph, that being regarding Transit Services. Despite what might be read into the statement made, we do understand, and appreciate, that transit services will be provided to Central Park.

2. The point we were trying to make here is that the report, as written, is misleading and could lead individuals (which it already has) to question if we are getting any bus service at all and whether it is based on having a third access. If the applicable paragraph in the staff report were rewritten to reflect the fact that transit services will be provided from off Merivale, with other through services provided if a third access were provided, it would clearly define the situation. This would be much clearer to everyone, especially those who may not be as familiar with the issues as the staff are.

3. I apologize if our statement is seen to be indicative that the CPCG does not understand the situation or that we are missing the point - we do understand and we didn't miss the point, we were just trying to make one, perhaps a bit tongue in cheek.

Thank-you. Bruce Cole

CARLINGTON COMMUNITY ASSOCIATION

Chair – Mr. Gord Hunter
RMOC Planning and Environment Committee
111 Lisgar St.
Ottawa, Ontario
K2P 2L7

Dear Mr. Hunter,

Re: 1199 Clyde Avenue Central Park Subdivision Application

The Carlington Community Association would like to impart its objection to the recommendations of the region's staff report on the basis that a 3rd and/or 4th access to this development is not being mandated as part of the subdivision plan.

From the outset, our group has always maintained that we are seeking a fair and equitable solution to the traffic problems that this new development will have on all the surrounding communities. We are willing to take our fair share of this increase in traffic, but are not willing, and should not absorb it entirely under the circumstances.

If this application involved just a few hundred cars per hour, I don't think anyone in our community would even bat an eye. However, we are talking about an additional 2000 vehicles per hour or more, which doubles our current volume. According to the Delcan study, the current net difference between Clyde Avenue and Merivale Road is 383 vehicles per hour (Clyde = 2683, Merivale = 2300)^.

How can an additional 2000 vehicles per hour, exiting exclusively onto Merivale Road, be perceived as fair and equitable to our community?

And how should our community respond to a last minute memo from the region's traffic department (received by our community October 11th), proclaiming the failure of a 3rd access point at Clyde and Maitland? We're not surprised, since all the surrounding intersections on Merivale, Baseline and Clyde are headed for failure, even without this development. ^

However, the subdivision plan calls for the region to modify Baseline Road in order to make its intersections work (expand from 4 lanes to 6). Could we not impose a similar methodology at the Clyde / Maitland intersection to make this work too?

There are other options that have not yet been explored. For example, no one has yet studied the traffic impact of a one-way in, and a one-way out of the development. Also,

the addition of a 4th access point on the west could disperse the traffic enough in that direction, that the combination of these two new intersections would succeed in handling any westerly flow.

A meaningful method of emergency access to this new community has been entirely neglected from the western portion of the subdivision. The safety of the residents should be one of the region's primary concerns. If a similar tragedy to the traffic accident involving a fuel tanker and an OC Transpo bus in 1989, were ever to occur again, the residents of this community would be trapped. Any type of traffic congestion on Merivale Road, would essentially block any emergency services into or out of this development, risking the well being of these residents and potentially pose a liability issue for the region.

Also included in the staff report is a letter from Janet E. Bradley of Gowlings, stating that the one appeal to the city of Ottawa from Lois K. Smith was received concerning the city's by-laws that were enacted. We would like to indicate for the record, that although Ms. Smith is the lone appellant, we support her position.

For the record, we object to the report including the statements offered by Hy Carswell of the Copeland Park Community Association. He has referred to an over-exaggerated and unsubstantiated 5 year data projection of traffic flow on Clyde. If this community were as irresponsible in projecting our figures, we could have presented projections of 48000-50000 vehicles on Merivale Road on that same scale. To this day, there has been no pertinent report or study that includes this figure, nor have we seen a clarification by the region to remove it from any meaningful reference.

Additional information to consider

City of Ottawa planning committee had a tie vote on this application. The city council later voted 6-5, with Mayor Jim Watson's vote swaying the decision. Although this application passed at the city level, it did so very marginally.

On the very same day the city council voted on this issue (June 30th), a State Farm Insurance press release listed the Baseline / Merivale intersection as the third "Most Dangerous Intersection in Ontario". At the urging of our community association, the region's transportation department (Doug Brousseau's office) has been encouraged to make use of the \$20,000 US grant from State Farm to study and recommend safety improvements to the intersection.

The original subdivision plan (1992 OMB ruling) mandated a 3rd access point at Clyde and Maitland. Although the OMB recognized the divisive nature of the problems confronting the two communities at the time, it also recognized that a compromise offered up something to everyone at the table. Although this divisiveness is still present today, the spirit of that OMB ruling has not been respected in any way thus far.

We hope that the both the committee and the regional council will reconsider the recommendations offered by its staff regarding additional access roads to the west. Our community is only asking to be dealt with fairly in regards to the traffic impact, and to consider our new neighbours safety in this development.

Regards,

Mark A. Lavinskas
President

Cc: D. Beamish
M. Bellemare
B. Hill
P. Hume
J. Legendre
A. Munter
W. Stewart
R. van den Ham

^ Central Park Traffic Impact Study (Delcan) March 1999 - Figure 4 pg. 10, and Appendix B Existing Conditions Baseline / Clyde RMOC count ID 6241 May 22, 1998, & Baseline / Merivale RMOC count ID 6166 May 14, 1998.

^ As stated by Ron Jack of Delcan - city of Ottawa Planning Committee on June 22, 1999

Carlington Community Association
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Box 23144,
Carlingwood Postal Outlet
Ottawa, Ontario, K2A 4E2
October 12, 1999.

TO:

Each Member of the Planning and
Environment Committee and Council
of the Regional Municipality of Ottawa-Carleton,
and to Ms Dawn Whelan, Co-ordinator,
and to Mr. Tim Marc, Legal Counsel for R.M.O.C.

RE: Item 3, on 1199 Clyde Avenue
Subdivision Application 06T-99003
Regional File (25) 15-99-5003

Part A Apparent Partial Overlap of
Two Plans of Subdivision

1. It would be well for Mr. Marc to check out the extent of Block 58 on the Plan of Subdivision and indeed the whole of the part shown to the east of the 0.3-m reserve line on the location map for the subject site on page 16 of the Agenda. Part of Block 58 seems to overlie part of Block 59, for example. Do the parts of Blocks 52 and 57 that lie east of the 0.3-m reserve belong with the "1199 Clyde Avenue" application or do they belong on the Plan of Subdivision for "1260 Merivale Road"?

Part B Safety Issues

2. With Respect to Tot Lots
 - (a) As to Location of Tot Lot at the End of Staten Way, To reduce the risk of traffic hazards, it would be a good idea to move Block 35 to the north side of Block 36. This can be done without re-zoning so far as uses are concerned, since the residential zone here permits parks. Parks include playgrounds. However, the current location of Block 35 would have to be re-zoned Residential.
→ My appeals on Zoning By-Laws 188-99 and 190-99 would permit the O.M.B. to do this re-zoning immediately on deciding to move the Tot Lot to the North side of Block 36 (should it decide to make this decision) rather than causing a further delay by requesting that a re-zoning process should have to take place at City Hall.
 - (b) Both Tot Lots should be fenced to keep out dogs, and to keep children from straying onto residential lots, which would reduce nagging by, and tension in, both caretakers and other adults.

L. K. Smith to RMOC Councillors and others RE. 1199 Clyde Ave. C.E. 12, 1994. -2-

B. 2. (b) (Cont.) Also, any fencing used should not create a safety hazard as to size of openings, etc.

3. With Respect to Emergency Access

I wish to speak to this issue. Again, note that my appeals re Zoning By-Laws 188-99 and 190-99 will be useful here in saving time should the O.M.B. decide to put an emergency access at the end of Staten Way to Clyde Avenue.

There are a number of other issues I wish to speak to,

Respectfully yours,
(Miss) Lois K. Smith, Ph.D.
(Miss) Lois K. Smith, Ph.D.



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Ottawa, Ontario
Canada, K1P 1C3
Telephone (613) 233-1781
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October 7, 1999

Janet E. Bradley
Direct Dial (613) 786-8651
bradleyj@gowlings.com
Our File 02326920

Mr. Gord Hunter, Chair
and Members of Planning and Environment Committee
Regional Municipality of Ottawa-Carleton
111 Lisgar St.
Ottawa, Ontario
K2P 2L7

Dear Chairman Hunter and Members of Planning and Environment Committee:

Re: **Clyde Avenue Holdings Inc. - 1199 Clyde Avenue - Referral to
Ontario Municipal Board of Conditions of Draft Approval -
06T-99003**

We are solicitors acting on behalf of Clyde Avenue Holdings Inc. with respect to the registration of a plan of subdivision for its lands at 1199 Clyde Ave.. By letter dated September 16, 1999, which is attached as Annex "C" to the report, we requested that conditions of draft approval be referred to the Board and joined with an appeal filed by Lois K. Smith with respect to the zoning by-law for the land. This step was taken because of Ms. Smith's indication to us that she also intended to appeal the subdivision and thus, in order to expedite a hearing date.

The Board's process is for the Regional Municipality of Ottawa-Carleton to send to the Ontario Municipal Board notice of this appeal pursuant to Section 51(34) of the Planning Act and a package of documents relating to it. We are advised, however, by your staff that it is unable to do so until it specifically receives directions from Council.

Normally, this matter would go to Council on October 27, 1999. We hereby request that this matter be directed to be considered by Council at its meeting of October 13, 1999. This request is made in order to expedite the sending of the materials to the Ontario Municipal Board and thus the scheduling of a hearing. Clyde Avenue Holdings Inc. has an urgent need to commence marketing of its lots.

We have been advised that staff had completed its report so that the matter could have been considered by Planning and Environment Committee in August. However, no meeting was held during that month. We were further advised by staff that the councillor for the ward was unavailable to attend the meeting in September and therefore the matter was scheduled for the first meeting in October. There have therefore been delays.

*Reference Item 3
Planning and Environment Committee
12 October 1999*

Waterloo Region

Vancouver

Moscow

- 2 -

As our client is anxious to have the Smith appeals considered as expeditiously as possible and is anxious for a hearing date, we therefore request a resolution from Planning and Environment Committee that the matter be considered by Council at its meeting of October 13, 1999.

Thank you very much for your attention to this matter.

Yours very truly,



Janet E. Bradley
JEB:jw

c.c. D. Choo

Extract of Draft Minute
Planning and Environment Committee
12 October 1999

CLYDE AVENUE HOLDINGS INC., 1199 CLYDE AVENUE
SUBDIVISION, CLYDE/MERIVALE - CITY OF OTTAWA
REFERRAL TO ONTARIO MUNICIPAL BOARD

- Planning and Development Approvals Commissioner's report
dated 22 Sept 99

Barry Edgington, Director, Development Approvals Division, provided Committee with an overview of the staff report.

The Committee then heard from the following public delegations.

Lois K. Smith

David Kardish, representing Clyde Avenue Holdings

Harold Carswell and Kathie Yach, Copeland Park Community Alliance

Katie Cleghorn, Central Park Citizens Group

H. Bruce Cole, Central Park Citizens Group

Mark A. Lavinkas, Carlington Community Association

The Committee then considered a motion put forward by Councillor Stewart.

Moved by W. Stewart

That a new recommendation 6 be added: That staff be directed to examine in greater detail the advantages and disadvantages of requiring the construction of a four way intersection at Clyde/Maitland, as well as any other options (i.e. right in, right out) which are identified by staff and the community.

CARRIED

(G. Hunter dissented)

The Committee then considered the staff recommendations as amended.

That the Planning and Environment Committee recommend that Council approve:

- 1. That subdivision application 06T-99003 (former Assaly lands), be referred to the Ontario Municipal Board;**
- 2. That the OMB be advised that prior to registration of the final plan for subdivision application 06T-99003, the Owner shall be required to enter into an Agreement with the Regional Municipality of Ottawa-Carleton to repay**

the Region its share of the costs, including but not limited to: parkland dedication; stormwater design; sanitary sewers; water services;

- 3. That the OMB be advised that the Regional Subdivision Agreement applying to subdivision application 06T-99003 will include a requirement that the construction of the Stormwater Management Facility must be completed, and the storm sewers connecting this subdivision to the stormwater treatment facility must be constructed, before an Inhibiting Order for any part or parts of the final plan are removed (with the possible exception of the lots fronting on Clyde Avenue whose development may be permitted if the City of Ottawa identifies capacity in the storm sewer on Clyde Avenue);**
- 4. That should the Board approve the Subdivision application, the OMB impose the Conditions For Final Approval attached as Annex D to this Report; and**
- 5. That should the Board determine that a Clyde/Maitland intersection is required, the OMB impose the additional Conditions For Final Approval attached as Annex E to this Report.**
- 6. That staff be directed to examine in greater detail the advantages and disadvantages of requiring the construction of a four way intersection at Clyde/Maitland, as well as any other options (i.e. right in, right out) which are identified by staff and the community.**

CARRIED as amended

Moved by W. Stewart

That Council be requested to waive the rules of procedure to consider this item at its meeting of 13 October 1999.

CARRIED