

## Summary of Written and Oral Submissions

### Zoning By-law Amendment – 433, 435 Churchill Avenue North, 468, 472 Byron Place

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 433, 435 Churchill Avenue North, 468, 472 Byron Place (ACS2020-PIE-PS-0105), prior to City Council's consideration of the matter on November 25, 2020.

The final Summary will be presented to Council for approval at its meeting of December 9, 2020, in the report titled 'Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of November 25, 2020'. Please refer to the 'Bulk Consent' section of the Council Agenda of December 9, 2020 to access this item.

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

#### Number of delegations/submissions

Number of delegations at Committee: 8

Number of written submissions received by Planning Committee between October 30 (the date the report was published to the City's website with the agenda for this meeting) and November 10, 2020 (committee meeting date): 4

#### Primary concerns, by individual

The '**Coalition for Highcroft**', as represented by the following persons, provided a joint presentation: **Helen Ries; Lisa Foss; Murray McClure; Plamen Iliev; Naomi Katsumi (oral and written submissions)**. The main points of their presentation and written submissions focused on:

- inappropriate intensification that would be a dramatic departure from existing zoning, would encroach on neighbouring low-rise residential property, and would occupy too much of the lot to permit the requisite soft landscaping
- none of the renderings provided in the report set the proposal in scale or context with the surrounding residential area
- incompatible scale and mass for the surrounding and historically significant low-rise residential neighbourhood

- this kind of intensification is inconsistent with the OP, which requires the new development to coexist with existing development without causing undue adverse impacts on surrounding properties; it must fit well with its physical context and work well with the existing planned function
- building design should be based on what the site can support as to its size, zoning criteria, community capacity, rather than modifying the site to accommodate the largest possible development using all available loopholes
- the overbuilt site will result in loss of trees and greenspace, as only 17.5% of greenspace would be available for landscaping; the 2019 plan showed room for trees but in the 2020 plan there's a setback where there's a loss of trees and a detrimental impact to the critical root zone
- disingenuous community engagement, as there has been no significant change in form and mass to address community concerns and to comply with Official Plan policies on compatibility and transition
- inappropriate transition between the existing low-rise residential community and the proposed 4-5 storey midrise development, which doesn't respect the Westboro Infill Study recommendations and doesn't transition to the future planned heights for Highcroft Ave.
- incompatible streetscape character, as there are no similar examples of the proposal in the neighbourhood and the proposal does not seek to conserve the existing low-rise residential character or offer architecture that makes sense for the community
- parking garage and street parking concerns, as the proposed access to the parking garage would be directly adjacent the low-rise residential community; modifications could have been implemented to allow for vehicle traffic feeding from Byron Place onto Byron Avenue but this was never considered
- the traffic study does not consider the actual number of units, the already dense parking conditions on nearby streets and snow management; a new traffic study be completed, as recent development in the neighbourhood has not been reflected in traffic counts and the future projections are improbable
- the OP states that in respect of scale of neighbourhoods or individual properties, issues such as noise, spillover light, accommodation of parking, and access, shadowing and microclimatic conditions are prominent considerations when assessing relationships between new and existing development; Byron Place is the lowest traffic street available for this development but the developer was never

directed to site plan for this

- exclusive use of Byron Place as a private approach access with realignment of Highcroft Ave-Bryon Ave intersection would significantly reduce the pressure on Highcroft; even with a right-turn limiting barrier on Highcroft, it is not the preferred solution
- development of infills at the property directly south of the proposed access point will leave this proposed access to be non-conforming
- the garage access could easily have been assigned in the center of the structure
- there will be limited to no parking on the proposed new stub of Byron Place, as it is required for deliveries and emergency vehicle access, and Lincoln Ave., Bryon and Highcroft receive the majority of overflow parking in the area; this is not sustainable with the potential additional load of unavailable parking spots for the development and the proposed commercial units have no assigned parking spot
- the reduction in glazing, small windows, etc., will not reduce the massively harmful impact of a 6+ storey bldg. on the low-rise homes in the vicinity and the development will have long lasting damaging and corroding impact to community spirit and personality
- the Westboro Infill Study recommendations represent the City's planning vision of the neighbourhood and states that the maximum building height for Churchill and the subject property area are 4 storeys or 14.5 m and for Byron, max height is 3 storeys or 11 m; intensification can be achieved on Byron by permitting 4 units in a home as long the max height does not exceed 3 storeys or 11m; for Highcroft, the max height is 2 storeys or 8.5 m for homes with flat roofs, and 10 m for homes with pitched roofs; a 19.5 m or 6 storey building on Churchill and a 16.5 m to 14.5 tall one on Highcroft, is not compatible, does not transition to the future planned heights for Byron, Highcroft or Churchill
- acceptable compromises: the building should read as 3 storey building on Highcroft; 4 storeys on Churchill would be preferable to 6; soft landscaping should be on 30% of the lot; the setback from the adjacent Highcroft home should be 6 metres; the garage access should be on Byron Place
- at this stage, if the proposal was not rejected, the Coalition is prepared to support the motion submitted by Councillor Leiper, though it does not address community concerns and it is a significant and painful compromise

**Kristi Ross, Kristi M. Ross, Barrister and Solicitor, representing the Coalition for Highcroft (oral and written submission)**

- the Proposal and the proposed R5B zoning is a dramatic departure from the current R3R zoning and will result in a 6 storey (on Churchill and a 4- 5 storey (on Byron / Highcroft) mixed use building that extends deep within the low-rise residential zone in a manner that is incompatible with the existing community in terms of mass and scale and will result in adverse impacts on the existing community
- the proposal does not respect the Westboro Infill Study in terms of planned function of the area; while the results of this study are not yet enacted in a zoning by-law, it contains a vision for the corner of Churchill / Byron, of a maximum of 4 storeys, that is not respected by the Proposal; this study also affirms that Highcroft Avenue will have a planned function of a low rise residential area with maximum building heights of 2 storeys and 8.5 meters from flat-roofed homes and 10 meters for pitched roofs; a mid-rise building, even if it steps down from 5 storeys to 4 storeys on the Highcroft side, abutting a street with low-rise character and planned function is not compatible nor does it offer an adequate transition
- Highcroft Avenue is a low-rise residential neighbourhood, zoned R3, with an existing built form of one and a half to three storey homes; the proposed built form does not enhance or build upon established patterns of built form, as the entirety of the Proposal is mid-rise, rather than low rise in nature; the Official Plan defines low-rise development at 1 - 4 storeys and mid-rise development at 5 to 9 storeys; with a height of 6 storeys on Churchill and 5 storeys on Highcroft, the entirety of the development is considered a mid-rise development, which is not consistent with the existing and future planned function of the Subject Property and the surrounding neighbourhood, including the low-rise nature of Highcroft Avenue; in the Westboro Infill Study, it is recommended that Highcroft Avenue remain a low-rise residential area, and that the development on the Subject Property be low-rise in nature with a maximum height of 4 storeys, for the entirety of the Site
- the proposed built form does not build upon established patterns of open spaces; Highcroft Avenue is a well treed street with ample and green, front yards and rear yards; landscaping requirements for the proposed R5 zone require 30 % landscaping; the Proposed landscaping for the Subject Property is a paltry 17.5 %, a reduction of 12.5 %.
- the landscape area on the Subject Property is reduced to 17.5 per cent, while the zoning by-law for an R5 zone mandates that a minimum of 30 per cent of the land be landscaped; the Coalition submits that this indicates that the 12.5 % reduction results in the overdevelopment of the Site, with a building mass that is too large for the Site;

further, and more troubling this reduction of soft, green landscaping is not consistent with the Provincial Policy Statement policies that encourage “green infrastructure” that includes soft landscaping, street trees and vegetation to improve air quality, reduce urban runoff, reduce climate change impacts and improve urban sustainability

- the staff report cites 3.6.1 of the Official Plan, noting that taller buildings may be considered for sites that are in an area already characterized by taller buildings, and cites a series of buildings 24.5 m, 12.5 m., 15 m and 16 m to justify the proposed 19.5 m of the Proposed Building; however, all of these buildings are across Churchill and some are zoned TM or are unique institutional sites; these buildings do not back onto an established low-rise residential community and are not adjacent to, nor should they inform the Highcroft side of the development
- the nature of the low-rise neighbourhood on Highcroft Ave. requires either ground-oriented housing, in the form of townhomes or a building that reads as a three storey building to transition to the low-rise residential area adjacent and across the street from the Highcroft side of the building
- the amended Proposal (as compared to the original proposal) results in a greater and more significant undue adverse impact on abutting and near-by homeowners, contrary to Ottawa’s Official Plan; by moving the building mass closer to the side-yard property line of the abutting residential property, the undue adverse impact and over-look is increased; the amended proposal has a side-yard setback of 2.4 m, rather than the original set-back of 6 m; overlook will occur as a result of the terraces on the roof of the fourth floor
- the location of the garage access door, directly adjacent and across the street from homes on Highcroft, will result in additional traffic being routed down Highcroft Ave., noise, and car lights that will result in an undue adverse impact; this impact could be addressed by relocating the garage access away from Highcroft Ave., to Byron Place; the narrow 2.4 setback will not permit tree cover or landscaping between the Building Proposal and the adjacent homes, to mitigate the adverse impact of the access point’s location; no screening is proposed
- in light of the various PPS policy contraventions, that the reduction of urban trees by almost 50% (13 trees will be removed while 7 will be replaced; however, the critical root zone of 3 existing trees between the nearest home on Highcroft and the Development, will be impacted by the Development, according to the 2020 tree Conservation Report) and the reduction of soft, green landscaping from the required 30 % in the R5 zone to 17.5 %, a reduction of 12.5 %, is not consistent with the policies; the City should not approve a rezoning that reduces green infrastructure in-order to maximize the size of the footprint of the building, as such a decision is not

consistent with the PPS; in light of the proposed height of the proposed building abutting Highcroft Avenue, a reduction in green space is not appropriate; more space for soft landscaping would enable more tree planting and help the build form “fit” better into the existing green, treed, low-rise community as per the Ottawa Official Plan Policies

- the Coalition supports the City of Ottawa’s Planning Department condition that the rooftop terrace and access point be restricted to above the sixth floor only, on the Churchill side of the building
- the Coalition could support Councillor Leiper’s proposed motion, as a compromise to address some of their concerns, to step the building back so that it reads as a 3 storey, and to move back the overlook of the terraces

**Gary Ludington, Chair of Westboro Community Association (written submission)**

- the Westboro Community Association is concerned about what is happening to their neighbourhood and this proposal is an example that has gone too far
- Churchill Ave. was recently renewed as a Complete Street and now the City feels it’s ok to change it into something else that isn’t as compatible with the surrounding community; Churchill is not an arterial street and the site is not appropriate for the significant intensification proposed per the Official Plan Section 3.6.1, policy 4 does not apply to the subject property due to Churchill’s status as a major collector road; the current LC zoning for this part of Churchill is far more appropriate for the surrounding community which is R3R; the proposed zoning intrudes into the residential fabric of Highcroft without concern for the impact on the residents
- access to the underground garage is on Highcroft Avenue, which will result in more traffic on the street; this access should be on Churchill, which, as a major collector should direct traffic to stay on the major collector road rather than reroute it to a local residential street; it is problematic that the garage access is located directly adjacent to the existing residential area on Highcroft Avenue, separating the developments proposed ground-level units from the existing residential development; traffic is already an issue with no turn lanes off Byron to Churchill resulting in cut through traffic on both Evered and Highcroft; 682, 505 and 507 Churchill, built in the past couple of years, have access to parking off Churchill so why accommodate this developer by having parking access off Highcroft
- the development will destroy green space and allows significant changes to the parkette which is also recently completed in conjunction with Churchill Complete Street project

## Primary reasons for support, by individual

### **Murray Chown, Novatech (oral submission)**

**The applicant/owner**, as represented by the following persons, provided a joint presentation<sup>1</sup> and/or were present to respond to questions: **Murray Chown, Novatech; Brad Byvelds, Novatech.** The main topics of their presentation included:

- the traffic impact assessment, the traffic conflicts that necessitate the need for the garage access on Highcroft, and expected traffic and parking conditions
  - ❖ recommended that the access be along Highcroft for several reasons:
    - the minimum quarter clearance requirements for the traffic signal at Byron and Churchill would not be achievable based on current site
    - there's an existing OC Transpo bus stop and school bus loading zone on west side of Churchill, which create additional conflicts opposite the site along Churchill
    - the existing northbound left-turn lane and taper lane along Churchill extend across the site
    - the westbound and northbound queues along Byron and Churchill from the intersection extend across the site's frontage
    - the raised northbound cycle track along Churchill transitions to on-road adjacent to the site, creating additional conflict
    - the existing non-standard intersection configuration at Byron Place and Highcroft is not suitable to carry higher traffic volumes; it may operate acceptably today based on the limited number of residential units that front on Byron Place but with more intensification the turning conflicts at Byron and Highcroft would not be suitable
    - the City's Private Approach Bylaw recommends the access be located along the lower class road, which would be Highcroft, as far away from the adjacent intersection as possible
  - ❖ in terms of methodology, they used the most recent traffic counts available at the time of the original writing; distribution was based on existing traffic patterns in

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<sup>1</sup> Presentation on file

the vicinity of the site and was reviewed by staff prior to finalizing the traffic report

- ❖ for trips generated by the site they used the City's preferred trends, trip generation rates for the development; historic intersection counts in the area and the City's transportation long range snapshots both suggest a reduction in traffic, if not no growth, within the study area, and that was the premise of their assumptions
  - ❖ to limit the traffic impacts on Highcroft they recommended the existing traffic calming curb bulbout at Byron Place and Highcroft be removed and they would provide a new traffic island south of the garage, 2.8m in width and 9m in length and offset from the curb about 2m; which is an improvement on existing traffic calming and will continue to prohibit vehicles from Byron to cut through the residential community when travelling southbound; the new island will allow development to use all movement access while still limiting vehicles to depart the site to turn right to travel south along Highcroft
  - ❖ based on trip distribution, based on area traffic patterns, 15 percent of traffic arriving to the site is anticipated to come from the south; if all 15 percent were to use Highcroft instead of Churchill that equates to about 3 vehicles during the PM peak or 1 vehicle every 20 minutes, which is not anticipated to have a significant impact on the overall operations along Highcroft and is still with the City's ATM thresholds for traffic volumes along local roads
  - ❖ as for parking, the proposed development exceeds minimum requirements for parking in the Zoning Bylaw; based on the commercial development, about three vehicles are anticipated to arrive and depart during the peak PM peak period, equating to potential spillover parking of a max of 3 vehicles over an hour
- site context and overview of proposal, including comparison to previous proposal, proximity to transit, proposed amenity space, landscaping and setbacks
  - Council recently approved a growth management strategy to accommodate over 92,000 new residential units in the city, to be achieved by approving applications like this one
  - in terms of the landscape plan, there is significant landscaping and opportunities for landscaping along the Highcroft side of building
  - the building is stepped back a significant distance from Highcroft to be in line with the existing development to the south along Highcroft and this application will create

opportunity to significantly reduce the extent of Byron Place and the opportunity to expand upon the modest public open space at the southeast corner of Byron and Churchill; the development will enable the closing of significant portion of Byron Place and the opportunity to expand that amenity space, and that potential is addressed through the Holding provision being recommended by staff

- ground floor units are oriented to the street and accessible directly from the outside; there is significantly expanded parkette or amenity space at Byron and Churchill the project will take significant steps to animate Churchill
- the building isn't significantly higher than what is permitted as-of-right today, which would be a 3-3.5 storey triplex
- interior side yard setback (setback between the project and the residential property immediately to the south) is significantly greater than what is required under the existing zoning
- building height proposed on the Churchill end is 7m or 2 storeys higher than what's permitted, and what's recommended for Highcroft is only 2.7m higher than what's permitted today, not dramatically different than what's permitted as-of-right under existing zoning
- this project relates to the properties to the south; there's a 2.4 m sideyard setback on south side of property, double what's required under existing zoning for redevelopment on this property and towards the back of property that setback increases to 6.3m where it's adjacent to the rear yard to provide additional setback to the rear yard to the south; the 5th floor is set back dramatically from the property to the south
- clarification about the requirements of the Westboro Interim Control Study requirements for this area
  - ❖ the recommendations do not limit this site to four storeys, and in fact the report states that on corner lots along Churchill Avenue additional height to a midrise category, which would be up to 9 storeys, of land use over and above what is proposed for this amendment may be appropriate, subject to site specific review, so this application does not conflict with recommendations coming out of the Westboro Interim Control Study

**Effect of Submissions on Planning Committee Decision:** Debate: The Committee spent 1 hour and 20 minutes in consideration of the item.

Vote: The committee considered all submissions in making its decision and carried the

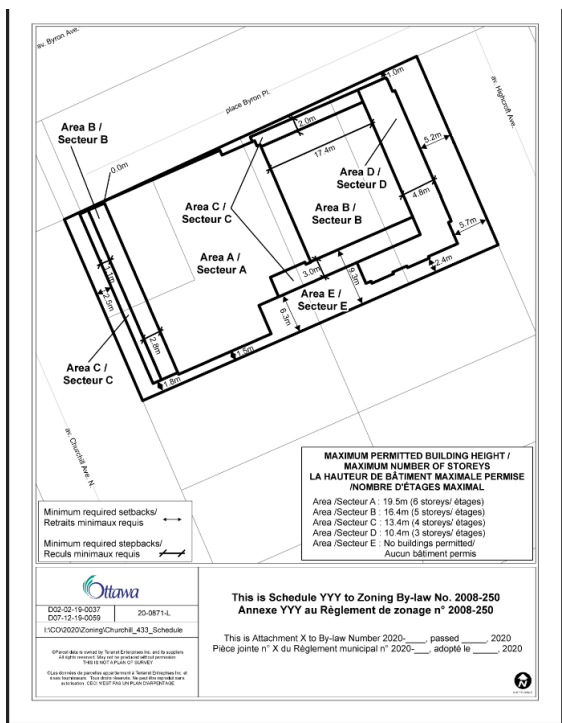
report recommendations with the following amendment:

THEREFORE BE IT RESOLVED that the report be amended as follows:

- a) Document 2, Details of Recommended Zoning, clause 3(c)(vi) be amended to replace “1.0 metre” with “1.5 metres” as it relates to the outdoor roof-top terraces; and
- b) Document 3, Schedule YYY, be amended by replacing Document 3 with the attached (see below).

AND BE IT FURTHER RESOLVED that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

### Document 3 – Revised Schedule YYY



## Ottawa City Council

Number of additional written submissions received by Council between November 10 (Planning Committee consideration date) and November 25, 2020 (Council consideration date): 0

### Effect of Submissions on Council Decision:

Council considered all submissions in making its decision and carried the report recommendations as amended by the Planning Committee.