

# Summary of Written and Oral Submissions: Error! Reference source not found. Zoning By-law Amendment – 3930 and 3960 Riverside Drive

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning By-law Amendment – 3930 and 3960 Riverside Drive (ACS2019-PIE-PS-0005), prior to City Council's consideration of the matter on April 10, 2019.

The final Summary will be presented to Council for approval at its meeting of April 24, 2019, in the report titled 'SUMMARY OF ORAL AND WRITTEN PUBLIC SUBMISSIONS FOR ITEMS SUBJECT TO BILL 73 'EXPLANATION REQUIREMENTS' AT THE CITY COUNCIL MEETING OF April 10, 2019'. Please refer to the 'Bulk Consent' section of the Council Agenda of April 24, 2019 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 Planning Committee: 4

Number of written submissions received by Planning Committee and Council between March 18 and April 10, 2019 : 10

## Primary concerns, by individual **Tania Mushka** (oral and written submission)

- recommended refusal of the application because of potential unmitigated residual risks to surrounding properties, including critically increased traffic and associated surface transportation noise, and increased safety risks to drivers and pedestrians
- suggested that the staff report is silent in respect of risk management, that the zoning changes requested do not truly align with the principles of the Official Plan and other policy, and if the changes were to go ahead, unmitigated residual risk would be incurred; similar risk would be incurred if the applicant's land is allowed to retain its current zoning for office buildings
- noted that this intersection on Riverside Drive is already failing and adding significant extra car traffic through the requested zoning change, and the retention of office zoning, would have a significant impact, which the addition of a new intersection and turn lane would not fully offset

- noted there is no public transit directly to the site and limited plans to improve transit and active mode facilities, so congestion will continue; noted that adding large amounts of travelers to the site without means to minimize traffic and without sufficient capacity to accommodate it does not respect the Provincial Policy Statement and the Official Plan
- the net impact of adding more cars increases the level of unmitigated risk to safety; accidents and potential injuries may be increased, and the risk of material loss would go up
- within the development site itself, emergency vehicles would have more difficulty getting there during high traffic, and then have difficulty navigating within any densely built-up space
- pedestrian safety may be at risk within the Quinterra neighbourhood, on Kimberwick Crescent, because of increased cut-through traffic
- the scope of the noise study did not include any analysis nor impact assessment on the neighbouring residential area of Quinterra, a part of which runs along Riverside Drive where the increased noise would also manifest; the noise issue is an adverse impact, and is not in line with city policy; the noise impact on Quinterra residents also needs to be studied and addressed, including sound barrier fencing along Riverside Drive, and should be a condition prior to decision on this (or subsequent) application
- this application should be rejected, and the existing as-of-right zoning should be amended so that office buildings cannot be built on this site
- a good solution for this site is to establish a long-term care facility (LTC), of which there is currently a shortage and a long waiting list, as LTC facility residents do not drive and any additional traffic on Riverside would be minimal by comparison

**Mike Gorman** (oral and written submission)

- spoke to the concerns outlined in the report by Councillor Brockington, specifically around concerns about:
  - existing and potential traffic issues in the area: Hunt Club and Riverside is one of the worst in the city for collisions, and rated F (Failure) for ability to move traffic; Uplands Drive and Paul Anka Drive, busy residential streets, are prime targets for driver shortcuts;
  - lack of public transit: according to the 'Official Plan', Riverside Drive and Hunt Club Road are 'Transit Priority Corridors', and one of the three Term of Council priorities is identified as "Improve safety for road

users; the Traffic Impact Study was based on estimates of vehicles entering/leaving the proposed access, but little attention was paid to disruption of southbound traffic flow; residents have to live with the ripple effect because public transit is not an option; deemed warranted signals will be based on traffic volumes, not on safety

- the impact on the site itself: the green space has a wide front on the Rideau River, a portion of which has been designated the Rideau Canal National Historic Site of Canada, a Canadian heritage river, and a UNESCO World Heritage site”; the Cultural Heritage Impact Statement, in connection with the Official Plan, advises “Prohibiting land uses that produce fumes”; major construction will be necessitated to change the land contours, given the grade slope of 10 metres or more, and up to six metres below the roadway level
- lost opportunity for the site: it would be better first impression for visitors if, in keeping with the Term of Council priority of supporting a sustainable environment, the maximum height allowance was 14 – 18 stories; consideration should be given to taking advantage of the waterways that help define the city, to make them bustling public places, with uses such as outdoors sports or training facilities, which could also have a beneficial economic impact

**Peggy Pratt** (oral submission)

- the Hunt Club/Riverside intersection is one of the most dangerous and high collision intersections in the city, and the development will make that worse
- there doesn't seem to be adequate consideration of or solutions to address the added congestion and the resulting increased cut-through traffic on Kimberwick Crescent
- there will be increased safety impacts for pedestrians from the increased residential cut-through traffic and from having a lot of people going in and out of that development on a small space

**Joan Grant** (written submission)

- concerns about dangerous traffic on Riverside Drive and the impact of approved and pending development
- residential development south of the city should be slowed down to allow the infrastructure to catch up (LRT is further delayed and that phase two is nowhere in sight)

**Craig Searle** (written submission)

- the traffic study for 3930/3960 Riverside Drive did not take into consideration the other 4 new developments just to the north of this proposed development because they were outside the 1 km area of influence; the traffic on Riverside Drive is at max capacity now and there is gridlock heading north between 7:00 and 9:00 am, and heading south between 3:30 and 6:00 pm, and will be exacerbated by this proposed development and those to the north of it
- there is a divide between Transportation and Planning Departments at the City.
- all the new developments should be considered in the Traffic study and this new development at 3930/3960 Riverside Dr should not be approved until the traffic impacts have been studied and a mitigation plan is in place; the extended right-hand turn lane on Riverside Drive to access west bound Hunt Club will do nothing to help
- requested confirmation that no City resources, either cash or in kind, will be spent on any of this development at any time, now or in future, but if yes, requested details, including any front-ending agreements

**Doreen Rocque** (written submission)

- agreed with the ward Councillor's comments and noted that the application is silent on the impact that a car dealership would have on the increased traffic and environmental concerns, and that there is no mention of how this development will contribute to the City's plan to become a senior-friendly city

**Brian Wade, President, Hunt Club Community Association** (two written submissions)

- requested that errors in the staff report be addressed before its approval
- during 2012 to 2017 this intersection was rated as the highest collision intersection in Ottawa and, for 5 of these 6 years, had an injury rate of approximately 25% per the accidents occurring there; there is every reason to believe that added traffic from this proposed dense development will increase accident and injury rates
- the City should focus on its priority TM4 "Improve safety for all road users", and this development should be put on hold until the effects of LRT on the city transportation system can be identified
- approving this zoning by-law amendment is not good for the local community, and consequently:

- the automobile dealership should be removed from the proposed uses of the land
  - the development should include an affordable long-term care facility
  - more space should be allocated to protecting the natural urban features of the land
  - plans for a multi-use pathway should be presented to the local community before any other development takes place
  - the review of the City's master plan should be completed before making any decisions on the use of the land to ensure that any development meets the requirements of the current local community
- more extensive community consultation is required to ascertain community wants, rights and needs, as well as further consultation with city staff to determine impacts of this proposed development
  - Planning Committee members were concerned that development at this site would only add to the traffic and overburdened intersection, and also acknowledged that the placement of a planned additional intersection, and extended turn lane, would not offset the negative impacts, but it voted in favour of the by-law amendment; this is contrary to the Official Plan policy that speaks to ease of access by foot, bicycle, transit, and automobile, because the site is located in a spot where the roads do not have sufficient capacity to accommodate the anticipated traffic, and safety is compromised
  - the request by the developer to have the right-hand turn lane extension work (at Riverside onto Hunt Club) funded from Development Charges takes away precious funds from every ward, where they might otherwise be used, and this is not a fair and reasonable approach
  - as Canada's capital, Ottawa should be a leader in urban design and residents and developers should each get a fair and equal voice in land use planning decisions

**Paul Johanis, Chair, Greenspace Alliance of Canada's Capital** (written submission)

- pleased to see that this application includes the transfer to the City of a five-acre area along the shoreline, the extension of the pathways along the river and new parkland
- in terms of the proposed car dealership, proposed that the zoning be restricted to a boutique type car dealership, similar to what has been recently approved for Landsdowne Park: no service bays, no on site inventory; this would reduce vehicular traffic (no service appointments, no vehicle

deliveries), reduce runoff (due to less surface parking) and eliminate the potential for spillage, soil contamination and seepage into the river of automotive fluids

**Bruce Lindsay, President, Riverside South Community Association** (written submission)

- concerns about traffic congestion, intersection safety and impact on the natural habitat and environment:
  - the Hunt Club and Riverside intersection has already received an F grade by the city and is considered one of the most unsafe city intersections, having the largest number of crashes in 2017 (most recent year for which statistics are available)
  - it was disappointing to learn that the City's Planning Committee recommended approval of the Zoning By-law amendment and Plan of Subdivision based on it meeting the requirements of the *Planning Act*, indicating that traffic congestion alone was not justification for not approving the application
  - a lot more should have been included with the approval of this development pertaining to road modifications to alleviate traffic congestion, safety concerns
  - the decision on the application should be deferred pending a review of the serious traffic and safety concerns, including the impact this development will have in exacerbating the situation, and the application should only be approved by Council when a plan is in place with the City to ensure better commuter traffic flow and improved safety measures at Riverside and Hunt club; all options for road widening, extended turning lanes, possibly a roundabout at the intersection of Hunt Club and Riverside Drive, or even an overpass for the main Hunt club intersection should be or should have been considered
  - the traffic and safety issues for the area and intersection have changed significantly since that zoning was approved in 2010, and with continued major development in the area south of Hunt Club and limited north/south roads, the additional traffic pressure at this key intersection will only compound the existing problem
  - would like to ensure measures will be taken to protect the wildlife corridor along the Rideau River and measures taken to mitigate the impact on wildlife resulting from this development

- requested to be included in future notifications on this development, including provision of background reports

**Delroy Brown, Manager, Airport Planning and Municipal Affairs, Ottawa International Airport Authority** (written submission)

- the site is within the Airport Vicinity Development Zone, the Primary Bird Hazard Zone, the Outer Surface and Transitional and Take-off approach surfaces of approach 14; it is subject to the Airport Zoning Regulation (AZR) and Official Plan policies on Constraints due to Aircraft Noise
- no objections to the proposed hotel, automobile dealership and retail facilities, which are not noise sensitive in so far as it relates to the policies on noise, but the heights of all proposed structures, regardless of use, are regulated by the AZR; with the services of an Ontario Land Surveyor, the owner is required to demonstrate height compliance with the AZR for each surface and an application deposited with the land use planning division of NAV Canada prior to development works
- the proposed noise sensitive uses, school and retirement home, although external to the Airport Operating Influence Zone (AOIZ), are within close proximity to the 30 NEP (90m-150m) and will be subject to equivalent and higher noises levels dependent on aviation activities; for this reason, the OIAA does not support the proposal for a school and retirement home
- should there be decision in favor of the proposal, the design and erection of structures for noise sensitive purposes shall conform to the recommendations of the Noise Study, if deemed to have met the satisfaction of the City to demonstrate that satisfactory indoor and outdoor noise levels may be achieved and maintained
- in addition, the following warning clause should be included on titles and in all Purchase and Sale agreements: "Purchasers/building occupants are forewarned that this property/dwelling unit is located in a noise sensitive area due to its proximity to Ottawa Macdonald-Cartier International Airport. Noise due to aircraft operations may interfere year-round with indoor and outdoor activities, particularly during the summer months. The purchaser/building occupant is further advised that the Airport is open and operates 24 hours a day. Despite the inclusion of noise control features within the dwelling unit, noise due to aircraft operations may continue to interfere with some indoor activities and with outdoor activities, particularly during the summer months. The purchaser/building occupant is further advised that the Airport is open and operates 24 hours a day, and that changes to operations or expansion of the airport facilities, including the construction of new runways, may affect the

living environment of the residents of this property/area. The Ottawa Macdonald-Cartier International Airport Authority and the City of Ottawa are not responsible if, regardless of the implementation of noise control features, the purchaser/ occupant of any dwelling unit on the Subject Land find that the indoor and outdoor noise levels due to aircraft operations are of concern or offensive.”

- within the Bird Hazard zone, certain plant species are prohibited for use in landscaping, so, as a condition of approval, should it be granted, the following should be imposed: “Plants used in landscaping shall not be of any restricted species known to attract birds and listed by Transport Canada’s TP 11500 table c4 and waste disposal should be properly managed and stored in enclosed containers or structures”.
- requested to be informed of any decision on this application

## Primary arguments in support, by individual

**Michelle Taggart, St. Mary’s Development Corporation (owner)** (oral submission)

- Council approved a rezoning for this site in 2010 for 650, 000 square foot office development and that zoning currently exists as of right; that project would have generated 800 vehicle trips per hour at peak hour, whereas the proposed project is a mixed-use development that will generate around 230 trips in the peak hour (between a quarter and a third of the traffic currently permitted as of right)
- Supported the staff recommendation as written but clarified that staff have asked Taggart to construct a 150m extension of the right-hand turn lane from Riverside onto Hunt Club, along with other roadway improvements, and while they are happy to assist in the remedial work and pay a fair share through development charges, even offering to front-end it, this is a major intersection that has major problems and funding for improvements to it should be paid through development charges

**Effect of Submissions on Planning Committee Decision:** Debate: The committee spent 58 minutes on this item

**Vote:** The committee Carried the report recommendations as presented with the following Direction to staff:

That staff amend the following text to identify the correct account from which the project would be funded, to be brought forward (as corrected) to Council on April 10 as a motion for consideration in respect of this item: ‘Be it resolved that the right of way improvements identified under “Further improvements” in Transportation



Section of the staff report related to Riverside Drive between Kimberwick Crescent and Hunt Club Road be identified as a project funded from the DC account related to Intersection Control Measures (Traffic Signals, Roundabouts & Turning Lanes)'.

### **Effect of Submissions on Council Decision:**

Council considered all written and oral submissions in making its decision and CARRIED this item with an amendment, as follows:

#### **That Council approve:**

- 1. an amendment to Zoning By-law 2008-250 for 3930 and 3960 Riverside Drive to permit an automobile dealership, apartment dwelling – high-rise and park as detailed in Document 2; and**
- 2. the extension of the southbound right turn lane on Riverside Drive, between the new signalized entrance and Hunt Club Road, be considered as a priority project to be funded from the Development Charge Account related to Network Modifications.**