

## Summary of Written and Oral Submissions

### Zoning By-law Amendment – 65 Acacia Avenue

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: 3

Number of written submissions received by Planning Committee between August 17 (the date the report was published to the City's website with the agenda for this meeting) and August 27, 2020 (committee meeting date): 7

#### Primary concerns, by individual

**Derek Crain, CRAINPLAN Ltd.** (written and oral submission)

- the proposal is an unacceptable infill project that violates good planning and Official Plan objectives, and it would set an unacceptable precedent and do irreparable damage to a mature and emblematic neighbourhood
- three primary concerns: overdevelopment; disregard for heritage and escarpment impacts; a broken zoning height bylaw
  - ❖ front and rear yard setbacks would be contrary to the character, scale and nature of the existing community and would damage neighbouring properties
    - the R4P Zone requires a front yard setback of 3m, not 2.55m as stated in the applicant's planning rationale; regardless of how the required setback was determined, a front yard setback reduction to 0.91 metres is not appropriate for the site development when considering the building height (5-storeys) from grade and along the streetscape - the building will tower above the street (Acacia Ave.) and will not line up with abutting properties; from a streetscape perspective, this reduced setback does not integrate well with the existing character of the street and is not considered minor
    - the R4P Zone requires an interior side yard setback of 2.5m for buildings over 11m in height, meant to provide breathing room (light and air) between buildings, but especially for low-rise apartments which typically maximize building height (14.5m); a reduced interior side yard setback on both sides is not appropriate, especially in light of the 234

Rideau Terrace rear building face being 0.6m ( 2' ) from the proposed redevelopment site

- the R4 Zone typically requires larger rear yard setbacks (i.e. 7.5m) in order to accommodate rear yard amenity areas, as well as to provide a thoughtful transition to abutting properties; the report states that a requirement of 5.39m is required but does not provide a rationale for this requirement and, regardless of whether this is correct, a further reduction to 4.7m is not context sensitive given the neighbouring properties and amenity areas to the north; the planning report notes ‘the building aligns itself parallel to the rear property line, leaving ample space for outdoor landscaped areas’, however the application is to not only reduce the rear yard setback, but also to reduce the total usable rear yard amenity area; there cannot be ‘ample space for outdoor landscaped areas’ with the reduction of both these provisions; the rear yard, and sloped site, further violates community standards due to a necessary rear yard sewer installation, as this storm sewer system necessitates the elimination of several important rear and side yard trees that provide critical screening from adjacent properties
- given the site is well-served by transit the proposal could reduce its number of parking, as low-rise apartments of 12 units or less do not have to provide for any parking; this would be more consistent with current Council principles and leave more room for rear yard setbacks and a smaller building parking footprint; the removal of the parking level entirely could help address concerns with the overall building height by tucking the apartment into the slope and keeping it to 4 storeys above the sidewalk level
- the cumulative impacts of all requested variances constitute over-development of the lands that will have undue adverse impacts on abutting properties; intensification is important within the urban area of the City but needs to be addressed through careful consideration of urban design and compatibility
- the rationale (in the report) states there are ‘minimal impacts within the urban residential neighbourhood’ but falls short of assessing the criteria or urban design and compatibility of the Official Plan; this is (or should be) a requirement for all new developments and staff will need to respond to these concerns if they are supportive of the project
- it is not clear how ‘the development aims to meet the needs of the area for affordable housing’

- with some refinements, the proposed building could be better integrated within the fabric of the existing context; further attention is required to the following urban design and compatibility considerations:
  - amenity areas: due to the significant changes in elevation, a rooftop amenity area will have undue adverse impacts on properties to the north, west and south; it will result in a loss of privacy to the existing amenity areas but will also result in issues related to overlooking and concerns related to noise; it is strongly recommended to remove the rooftop amenity area (and projecting staircase) to mitigate adverse impacts; as proposed, the landscaped rear yard is not suitable to provide for a meaningful amenity area for residents does not constitute 25% of the lot area; it is strongly recommended to increase the rear yard setback to allow for an opportunity to provide at-grade amenity area; it is noted that the applicant has not submitted a sun shadow study that would evaluate impacts on abutting properties; this study should be required in order to assess the development proposal
  - the extent of the underground parking level into the rear yard should be reduced to allow for tree retention, which would also help to reduce concerns related to privacy and noise on abutting properties to the north and west; Section 4.7 of the Official Plan provides direction for the Protection of Vegetation Cover, including the retention of natural vegetation on steep slopes, and with regards to Landform Features it indicates the City is to encourage the protection of features such as escarpments when considering Site Plan Applications and should be encouraging owners to implement such measures as 'setting back development from the bottom and top of steep slopes'
  - the extent of the building floorplate and underground garage do not provide for low impact development stormwater management practices; more landscaped open space (less hard landscaping) in the yards would provide for better stormwater management, while also providing for better building separation
  - the proposal does not address fundamental planning matters, including the urban design and compatibility criteria outlined in

the City's Official Plan; the applicant has failed to demonstrate how the proposed building will fit within the context of the lot and abutting properties; there is no design statement or rationale that addresses the above concerns, including yard setbacks, building mass and height, changes in grade, architectural step backs, and outdoor amenity areas; these important urban design and compatibility considerations need to be addressed with building coverage reductions in order to properly comply with Official Plan policies

**Richard Colvin** (oral and written submissions)

- the proposed structure, which will read as five storeys from many viewpoints in the area, is not in keeping with the neighbourhood and without mature trees, will be out of place in this low-rise, mature, residential neighbourhood; it will not enhance the neighbourhood's long-term vitality, and will not complement the existing pattern and scale of development
  - ❖ the proposed building is on the west side of Acacia Avenue, one of the oldest streets in the Lindenlea/Rockcliffe area, described as "the gateway to Rockcliffe"; the lot is on a steep hill and because of the escarpment, the actual height of the structure from the street would be five stories rather than four from the bottom of the hill, looking up, or when facing the building from Acacia; even at four stories, the proposed development would loom over its neighbours, two-story detached houses to the east and south
  - ❖ the Official Plan calls for protecting vegetation cover, especially on steep slopes, and for "setting back development from the bottom and top of steep slopes", and also directs that trees be preserved, none of which is respected by this proposal
  - ❖ the neighbourhood is old, well-established, green and leafy, with well-proportioned buildings flanked by mature trees, and setbacks are substantial; except for Beechwood itself, which is a main shopping artery, there are no employment, retail, service or industrial facilities whatsoever as would be characteristic of a General Urban Area; the neighbourhood consists exclusively of houses, schools, a community centre and a library; the proposed development is an overlarge structure that does not respect existing neighbourhood context and character, as dictated by the Official Plan, and it would result in the removal of every mature tree from the site and would clash with and damage the existing and distinct character of this mature neighbourhood

- ❖ Rockcliffe is a protected heritage zone and, in considering the Provincial Policy Statement regarding conservation of significant cultural heritage landscapes, 65 Acacia is an “adjacent land” as it relates to protected heritage properties; the current 65 Acacia proposal does not conserve the heritage attributes of the protected heritage zone, as stipulated
- ❖ the requested 1.4m setback relief is wholly inadequate, would create a structure that would loom over its neighbours, and would represent overdevelopment of the site; the scale is excessive and inappropriate as most buildings on Acacia are single-family or semi-detached homes, with a couple of apartment buildings that are set back at least 4.3 metres from the street (and up to 11 metres); 65 Acacia is an R4 zoned double lot and it would be very easy to develop in accordance with the existing setbacks required by the City
- ❖ because of these and other concerns (including a parking garage that, uniquely, would exit directly onto Acacia, raising safety issues), the community as a whole has expressed strong objections to the proposed development; more than 67 households in Lindenlea and Rockcliffe wrote letters opposing this proposal, including the Lindenlea and Rockcliffe community associations; the developer held two community meetings but the proposed modifications are relatively minor and did not address the substance of the objections
- the requested relief on setbacks would lead to crowding of his own house, loss of privacy and risks to safety
  - ❖ his house is on a very narrow lot with an extensive setback at the front (in part because of the hill), of some 11 metres, but there is very little land on either side, on the north side, which abuts 65 Acacia, the house is close to the property line and has a chimney on the extension at the back that encroaches onto the 65 Acacia lot (the developer is aware of this encroachment, which has been a ‘fact on the ground’ since the extension was built sixty-five years ago)
  - ❖ with regard to front and rear setbacks, the proposed building extends beyond the level of his house at the front, and does so very noticeably at the back; there is a large window on the north side of his house, on the ground floor, facing the 65 Acacia lot, less than half a metre from the property line; providing relief on setbacks would significantly block his light and views, especially given the massive scale of the proposed development; the proximity of the proposed development to the window on the north side of his property could also create fire and other safety hazards

- ❖ given the steep slope of the escarpment and the developer's intention to remove the hill in its entirety, there is concern about drainage issues; the existing buildings all sit on the existing topography; they do not remove it; in the worst case, given the proximity of his house to the property line and the complexity of the escarpment site, the 65 Acacia project could cause structural damage to his home

**Jean Murray** (written submission)

- insufficient parking, and consequent congestion on neighboring streets; notwithstanding by-law requirements, 7 spaces is not enough for a 12 unit building
- safety – cars entering or exiting the building will be in conflict with busy traffic including buses on Acacia, and the views of exiting cars would be obscured from the underground ramp
- lack of parking discriminates against seniors, who may have more difficulty walking and taking public transportation
- scale and massing of the development, including revised setbacks, is still too great for the local neighbourhood; disagreed with staff contention (under Planning Rationale) that the development “will compliment (sic) the existing pattern and scale of development and planned function of the area”

**Kay James** (written submission)

- the requested zoning variance is not minor - the application asks for the required sideyard setbacks to be reduced by 20%, the amenity area by 19.4%, and the front setback by 64%; these reductions would necessitate removal of all the mature trees on the lot; the only limit on the proposed development in this case appears to be the physical dimensions of the space;
- the limitations set out in the R4 Zoning Regulations were the result of careful consideration and they are not recommendations, or averages - they are minimums; if they are not to be treated as definitive, then the development and adoption of zoning regulations is rendered pointless
- this section of Acacia Avenue is a uniform hillside streetscape of small single-family homes, with average front-yard setback of 28 ft; the replacement of a small building occupying less than half the area of its lot, and similar in appearance to its neighbours, by a much taller, wider, more massive building of radically different architectural style would have a significant adverse impact on the streetscape; the building would essentially fill the lot, and would be completely out of character with the street

- the heritage aspects of the property would definitely not be conserved; because the proposed development is immediately adjacent to the Rockcliffe Park Heritage Conservation District, this means that it would be in violation of Ontario Provincial Policy, which dictates that development and site alterations on adjacent lands to protected heritage property is not to be permitted except where the proposed development and site alteration conserves the heritage attributes of the property
- in the Definition section of the Provincial Policy Statement, “adjacent lands” is defined as “contiguous lands”; “contiguous” is a much more restrictive term than “adjacent”, and this substitution significantly alters the meaning of section 2.6.3. - it would exclude most of the properties that this provision of the provincial policy was intended to protect, rendering it ineffective; since it’s very unlikely that this was the intention of the policy’s authors, the committee should understand this clause in the context of the ordinary meaning of the word “adjacent”

**Rosemary and Craig MacDonald** (written submission)

- the proposed redevelopment envisaged would grossly overwhelm the possibilities of that small site; it would mean the creation of teeny tiny units of questionable quality and no or very few in-building parking spots, on a street where parking is not permitted (or possible) and in an area of town where no public parking lots exist

**Linda Dicaire, Chair, Rockcliffe Park Residents Association (RPRA) Heritage Committee, and RPRA Heritage Committee members: Michelle Collum-Hayman, John Cook, Marianne Feaver Esdaile, Daniel Goldberg, Bea Hampson, Michael Kelen, David McRobie** (written submission)

- the application must be required to conform to the ‘Streetscape Character Analysis Manual’, and where the new regulations and the Manual are in conflict, the Manual must prevail; the new development does not conform to the Manual and to its “rules of the street” and is one key reason it should be rejected
- in respect of the Provincial Policy Statement, it has been discovered that in the Definition section “adjacent lands” was defined as “contiguous lands”; “contiguous” is a much more restrictive term than “adjacent”, and this substitution significantly alters the meaning of section 2.6.3.; this definition would exclude most of the properties that this provision of the provincial policy statement is clearly seeking to protect, rendering it ineffective; the Planning Committee and for Council should be aware of this and direct its Heritage Planning professionals to make a formal notification to the Province with respect to the above; the word “adjacent” is defined in the dictionary as “near by” or ‘next to’, and 65 Acacia is near by Rockcliffe Park, at a minimum, visually adjacent. In looking at legislation, one should get on with what the legislation is seeking to accomplish. The PPS is trying to achieve the

protection of the heritage attributes of the Heritage Conservation District; in that regard, the following condition must be met: *Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved*"

- the heritage attributes most relevant here are the unobtrusive siting of buildings, generous spacings and setbacks; variances that diminish setbacks, lot areas and increase heights directly affect the heritage attributes of shared streetscapes and therefore the attributes of the Rockcliffe Park Heritage Conservation District, and therefore, such reductions at 65 Acacia should not be approved
- the application must respect and be no less than all existing required setbacks and heights from existing grades, at all times, which is fundamental to the common wealth of public space and to the shared experience of sidewalks and the street; variances have a cumulative effect to the detriment of the experiential qualities of the pedestrian; in times of Covid, we have all come to appreciate the experiential qualities of our walks and why preserving the green space around buildings matters; therefore reducing setbacks visible from the street, at minimum, should not be permitted at 65 Acacia if they are less than required by the by-laws; increases in height that exceed the by-laws will also affect the experiential qualities of the street and likewise should not be permitted
- if possible, the setbacks should be increased on the side fronting on Acacia in order to achieve significant visual continuity with the corner of the single family residence to the South, a friendlier and more pleasant relationship with the streetscape and with pedestrians, and sufficient space for planting significant street trees; the architectural design for the 65 Acacia front façade should also take its cue from the consistent architectural practice described above of a central feature, effectively putting into practice the 'street give the rules'
- the requested setbacks are contrary to City policy, to Provincial Policy and to adopted plans, including but not limited to the 'RP HCD Plan', and manuals such as the 'Manual'; in addition, the visual and physical proximities of the Proposal to adjacent properties, 'front' projections that extend beyond (in front) the façades of adjacent properties, its scale, height, details and massing have not been designed to be tailored specifically to its neighbours and to the streetscape, and consequently do not fit well with its immediate single family residence neighbour to the South and with the communal streetscape; the projection of the building in front of its neighbour to the south on the Acacia 'front' side does not achieve a good fit; overall,



the height of the building in relation to the height of the building on the south side of the property and to those on the East side of Acacia is excessive and does not achieve a good fit; the 4th floor exaggerates the building's height and relationship to its neighbours and to the streetscape; the use of 'cement board' is not a high quality material and 'cheapens' the design; the planting plan shows that only small trees such as serviceberry (AL) are achievable rather than substantial street trees; the setbacks do not achieve a space that permits considerable street trees; this is not a good piece of urban design and does not set a good example to look to for the future; for these reasons, there should be substantial refinements to this application in relation to the height, scale, massing, materials, finishes and setbacks; all buildings fronting on Acacia and leading up hill between Beechwood and Chapleau, and situated on the same side of the street as the application, have relatively small variations in setback between one another and together they create the perception of constancy of setback overall; these properties also all enjoy an architectural design or feature located at the centre of the façade (for example a porch or a doorway or a projection); the RPR Heritage Committee agrees with the analysis provided by Mr. Derek Crain dated May 16, 2020

- each new development needs to be one the building and the community can point to with pride, together
- a statement similar to the following should be included in zoning documents related to R4-and Multi-Unit Residential Zoning: *“The pursuit of intensification CANNOT be successfully achieved by imposing it on neighbourhoods at the expense of setbacks, carefully determined heights in relation to the properties on both side of the proposed development and of the street, quality of architecture, materials and finishes, good fit with the character of the neighbourhood and of adjacent Heritage Conservation Districts if any, full consideration of impacts on immediate neighbours, sun and light accessibility, privacy, and the enrichment of public space such as sidewalks and the street.”*
- the following not be permitted:
  - ❖ reduced minimum front yard setback of 0.9 metres, whereas 2.5 is required;
  - ❖ reduced minimum interior side yard setback of 2.0 metres, whereas 2.5 is required;
  - ❖ reduced minimum rear yard area of 116.0 square metres, whereas 126.6 square metres is required; reduced minimum rear yard setback of 4.6 metres, whereas 5.39 metres is required.
  - ❖ reduced rear yard amenity space of 102.0 square metres, whereas 120.0 square metres is required;

- ❖ reduced parking garage drive isle of 5.4 metres wide, whereas a minimum of 6.0 metres is required.

**Christine Moran** (written submission)

- the impact on the character of the street due to such a large and imposing building
  - ❖ quite apart from the removal of a lovely 1930s-era single-family dwelling, the proposal states the intention to seek “relief” (exemption?) from zoning provisions to allow a building that clashes architecturally and practically with the neighbourhood; a smaller building, with more appropriate and Lindenlea-consistent setbacks would be preferable and advisable, including strict limits on height, setbacks and size;
  - ❖ the requested exemptions to height and setback zoning requirements should not be allowed and the character of the street should be considered in any proposal; a large multi-unit building is not aligned to the overall style of the street, and this construction would risk creating a real schism between the homes above and below the building
  - ❖ the size of such a building on a residential street and the area & situation that it would occupy (stretched to the edges of the lot, and so close to the street) are out of character with the Neighbourhood and would create a sense of division (visually and virtually) between the houses that are “below” the building and those that are further beyond
- the impact on traffic, parking and the sense of community
  - ❖ has been registering concerns about the speed of traffic on Acacia for several years; adding 12 housing units, accessible through “underground” parking (though the artists’ renderings suggest that the underground parking is actually at-street-level / sidewalk-level), would exacerbate this problem; underground parking is not conducive to creating a sense of community and ergo, should not be allowed on a residential street and would also create a safety problem for children using the sidewalk to commute to and from school
  - ❖ allowing underground parking would render Acacia Ave between Beechwood Ave. and 65 Acacia Ave to nothing more than a passage or an onramp to an apartment building; the City must consider the safety of young children who live on that street and walk to school up the hill, as well as many pedestrians (e.g. domestic labour) seeking to access Rockcliffe Park Embassies, official residences and residences use Acacia Ave, and neighbourhood teens who walk to Beechwood to use OC

Transpo every morning, and the impact of an underground parking entrance which crosses a pedestrian route on a residential street

- ❖ with underground parking, one enters and exits the dwelling in a vehicle, and has no reason or even occasion to interact with neighbours and/or the people who live nearby; this lack of interaction undermines community and it would absolutely be compounded by the fact that there is no green space envisioned around this proposed building
  - ❖ the traffic on Beechwood Avenue is already very congested with no solution in sight; the street has experienced intensification through the development of several condos in the past two years – with more planned; adding 12 households to the vicinity, each of which will need to use the main artery during peak hours, will further undermine safety on Acacia Ave and will only add to the congestion on Beechwood; moreover, although there is underground parking available in the Beechwood/Green building, there has been a marked increase in the number of cars parked on Green Ave, and the attendant increase to traffic
  - ❖ asks for a rationale from the Planning Committee as to how it considers underground parking to be consistent with the City's Climate Change Master Plan
- each of the developments (the Minto condos on Beechwood at MacKay, the Kavanaugh, the new four storey unit at Beechwood and Green Ave and the four 3-storey townhomes on Beechwood between Oakhill and Green) still have vacancies, and with respect to the Kavanaugh, these vacancies at ground-level are at risk of becoming an eyesore
  - the City should consider carefully the type of development that we allow in Ottawa, especially in a historic and treed neighbourhood such as Lindenlea; the original principles of Lindenlea - a garden suburb - are still what makes the neighbourhood walkable, livable and an attractive community in the downtown core, and these should be an important consideration in this proposal

this proposal should be rejected and the developer should be asked to bring forward a design that is coherent with the neighbouring buildings with respect to scale, situation, setbacks and “amenities” and which takes into consideration from the outset the long-term impact on the surrounding area of the concept and the construction

## Primary reasons for support, by individual

**Paul Robinson, P H Robinson Consulting** (applicant) (oral submission)

- indicated the application is for a number of small modifications to the performance standards in the Zoning By-law, which he detailed
- spoke to efforts to address concerns previously raised, including modifications to the proposed exterior appearance of the building, in particular the upper level, the provision of seven underground parking spaces (none they are required to provide), and removal of a rooftop amenity area that caused privacy concerns and made the building appear taller than it is.

**Effect of Submissions on Planning Committee Decision:** Debate: The Committee spent 23 minutes in discussion of the report

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

## **Ottawa City Council**

Number of additional written submissions received by Council between August 27 (Planning Committee consideration date) and September 9, 2020 (Council consideration date): 3

### **Primary concerns, by individual**

#### **David Gillanders**

- supports comments submitted by Christine Moran

#### **Karla Fox**

- placing a residence with underground parking in this location will be a hazard for every person living in this area; it is already a busy street with very few vehicles, including buses, that do not speed down the hill on Acacia; that entrance will just be a dangerous spot for anyone walking in the area, including those walking include young children who will be going back to school, and elderly persons going about their daily business
- in the time of Covid, population density is a risk factor; we need to seriously rethink urban planning
- this is not about anything other than greed; we should instead focus on what we need, which is to have development fit into the neighbourhood, to be safe and responsible and to not put people in harm's way.

#### **Thom Ouellette**

- supports comments submitted by Christine Moran

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

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