

## Summary of Written and Oral Submissions

### Zoning By-Law Amendment – 1110 Fisher 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: 10

Number of written submissions received by Planning Committee between June 15 (the date the report was published to the City's website with the agenda for this meeting) and June 25, 2020 (committee meeting date): 23

(Note: a document entitled 'Neighbourhood Petition regarding 1110 Fisher Avenue', containing 48 signatures' was submitted to the Committee Coordinator in August 2019, from Councillor R. Brockington's office, for distribution in respect of this item)

#### Primary concerns, by individual

**Mary Ann Turnbull, President of J.D. Turnbull Development Inc, the landowner of 1132 Fisher Ave., and Founder and retired Director of Turnbull School** (oral and written submissions)

- spoke to her history of involvement with zoning amendment proposals for this property
- has been working diligently with the Carlington Community and Turnbull School toward solutions for intensification of this property that are in keeping with the Official Plan and an appropriate scale and density for the size of the property, but R5 zoning is not suitable for this location and would have adverse impacts on the existing land uses, public health and safety, and the character of the neighbourhood
- no other properties north of the site on Fisher, nor within the adjacent residential area, are zoned to be higher than 4 stories; in addition, the proposed development is not compatible with the massing, scale and prevailing patterns established in the immediate area
- the 3 apartment buildings to the south, dating from the 1970s and outside of the Carlington Community, are being used as justification for this development, but they were built prior to the designation of the Farm as a National Historic Site and are an exception to the predominant character of the surrounding area
- the frontage of the proposed development would consist mostly of hard surfaces to allow for their entrance and exit driveways, two-lane entrance garage, and paving

for the turn around, drop off, front entrance walkway and loading area at the front, leaving little to no room for landscaping to be, at least, complimentary to the neighbourhood and streetscape

- as set out in the Official Plan, there is a need for a transition between areas of different development intensity and scale; Turnbull School's property already provides a transition from the high-rise apartments to the low-rise community; the proposed development would abruptly break this existing transition by introducing building height and density that is out of character with the adjacent established uses
- this development site is too small for the density proposed; the development would be a complete anomaly with the present patterns, rhythm, character and context of the surrounding area
- three setbacks are in violation of the zoning requirements for the R5B (reasons provided)
- the development would impact the privacy of the children in primary grade classrooms and at the outdoor play structures as a wall of apartment windows and balconies with no step backs would directly overlook it and the proposed landscaping would take some years to mature and be of any help
- the location of this development, its entrance and exit onto Fisher Ave., a high volume arterial roadway, its limited frontage and its conflicts with school, bike, bus and pedestrian traffic would create a significant vehicle, pedestrian and cycling hazard; it also has the potential to change school traffic travel patterns and create increased vehicle volumes and safety hazards on neighbourhood streets
- the developer's inclination to educate apartment residents about traffic issues will not be an acceptable solution to mitigate the safety risks unless there is supervision and enforcement
- the proposed development is not transit-supportive; transit is inadequate in this corridor to support this additional growth, amenities in the area are limited and the residents of the development will rely on personal vehicle transit to meet their needs
- the lack of above-ground parking at the development may lead to overflow traffic at the School and impact its right to ensure unimpeded access, day and night, for all their own visitors, including their evening renters
- has not received any feedback on her submissions, or those of the professionals she retained, with respect to identified traffic issues, tree loss, streetscape compatibility, density and height incompatibility, and privacy concerns

- there are significant concerns for the protection of a grove of mature trees on the School property, next to the shared property line to the south of the proposed development; the City did not adequately evaluate the application in terms of the adverse impact on this grove of trees, by focusing only on root protection and overlooking the significant hydrology and heat transfer issues
- asked that the City reject the rezoning from the existing R3A to R5B, and limit the intensification at this constrained site to the compatible density and scale of residential uses currently permitted under the R3A zoning, that was negotiated and approved in 2015 through an extensive public engagement and political process

**Ruth Dick** (oral and written submissions)

- the proposed development is not transit oriented, and will increase the potential for conflict between vehicles, pedestrians, cyclists, and buses; the proposed development and rezoning are inappropriate given that it is adjacent to a school of hundreds of children who will be subject to that increased risk; it will thus adversely impact the school's ability to carry out its mandate of keeping the children safe within the school grounds, a mandate which is of paramount importance to parents
- during pick up and drop off (which overlap with the rush hour and so increased traffic volume along Fisher), traffic on the school grounds is often slower than the posted 10 km/hour; given the scale of development, the amount of parking proposed, the existing traffic on Fisher Avenue, and the proximity of the proposed driveway to the existing driveway belonging to the School, the proposed development is inappropriate and there is a greater risk that vehicles from the proposed site will be tempted to use the school grounds as a cut-through; these people would not have the community bonds that contribute to the students' safety, nor would they be subject to the school's means of control
- prospective residents of the proposed development are not being given any reasonable alternatives for heading north on Fisher from 1110 during heavy traffic volume times and there are no plans to require a traffic light for the three-level garage's worth of cars expected at 1110 Fisher, despite that being the safest way to ensure they don't trespass and thereby adversely impact the School's use of its grounds by increasing the potential for conflict between residents driving through the school grounds and students and parents on foot or in their vehicles
- there are risks to Turnbull students and families, other cyclists, and pedestrians, posed by southbound 1110 tenants; the addition of the number of cars one can reasonably expect to be exiting a sixty-two unit apartment building during the morning, in the midst of cyclists, pedestrians, the bus, and the many Turnbull bound vehicles greatly increases the potential for conflict between resident traffic and these other current users

- there are no adequate means of controlling the driving behaviour of residents of 1110 Fisher avenue
- the rezoning for the proposed development will have an adverse impact on the school's ability to preserve the children's privacy; the youngest ones use the school yard, which is immediately adjacent to the proposed nine-storey apartment building, and privacy constitutes part of their safety and security; rising well above the screening trees (and potentially posing a threat to their health), its balconies are de facto child observation decks, overlooking the entirety of the school's fields and playgrounds, and from which the children might be observed at leisure and without recourse
- the proposed development does not meet setback requirements, meaning it will loom that much more above the children and things could accidentally fall from or be dropped from the balconies into the playground of the youngest children, the three to six year olds, potentially creating a safety hazard and interfering with the school's use of its own property
- as parents are the school's clients, such impressions derived from the changes the development would wreak also have the potential to adversely impact the school's appeal, and therefore viability

**Craig Dunn, Senior School Principal and Co-Owner of Turnbull School Ltd** (oral and written submissions)

- the proposed development is not transit supportive; the residents of this new building, as well as their visitors, will likely become frustrated with the delays turning north on Fisher Avenue and choose to turn right and cut through the School's driveway; the scale of the proposed development, with limited parking opportunities, will have an adverse impact to the function of the School's vehicular circulation flow, and it will lead to unwelcome traffic on the School's driveway and parking lot, increasing the potential for collisions and pedestrian accidents
- the proposed building will have an adverse impact on its adjacent land, being the School, as, when the School is burdened with managing, educating and policing the unwelcomed traffic, it takes time away from the normal conduct of the School's function and our responsibility to manage the School and creates an adversarial relationship with neighbours, which is not consistent with the relationship the School has worked hard to develop over the past two decades
- the School also rents its facilities in the evenings and weekends and the overflow of traffic and unwelcomed parking will have an adverse impact on its customers, which will negatively impact the School's relationship with them

**Robert Brinker, Carlington Community Association, Chair Development and Transportation Committee** (oral and written submissions)

- the Association supports intensification of the neighbourhood but is opposed to this application as it is out of character and incompatible to what currently exists in the area, a predominantly low-rise neighbourhood;
- the proposed (up to) 9 story building is not complementary to the area, as originally proposed by the developer in 2016, and the proposed rezoning to R5B does not respect the required side yard setbacks
- the current proposal does not consider the challenging access and egress to and from the site, as it is located shortly after the controlled Fisher/Trent intersection, with the result that the property will only be accessible right in- right out via the southbound lane; this condition will result in the misuse of Turnbull school access as a turning lane, endangering the children and staff; an access northbound is not possible due to the left-hand turning lane on Fisher Avenue
- an increased height as of right due to proximity to future rapid transit must be denied, the Baseline /Fisher intersection is 1km and the Carling/Fisher intersection 1.3km away from the property, deeming the development not walkable
- approval would set a precedent for development along Fisher, and would undermine positive intensification efforts to date
- the community is in favour of an R4 review with the opportunity for more ground orientated, family-friendly developments, and their desired areas for high-rise intensification are along Carling Avenue, mid-rise along Merivale Road and low-rise along corridors like Fisher Avenue, as it will be directed in the new Official Plan directions

**Jon Aro** (oral submission, and written submission with **Erin Aro**)

- is a resident of property in close proximity that would be most impacted
- concerns raised during the consultations on the 2013 proposal for the site are valid for this proposal and have not been addressed, the most significant of these concerns being the invasion of privacy, the disruption of traffic patterns and that it simply does not fit within the existing neighbourhood
- all north facing units will have balconies directly overlooking their backyard, and, if built as planned, residents of the proposed building will have an unobstructed view into their home via their two bedroom windows facing south and their kitchen and dining room windows; neither the developer nor the City have made any concessions to address this

- it appears there is a balcony on north side of the 2nd floor that extends a significant distance towards their property, meaning that while the building setbacks meet the 7.5m criteria, the balcony does not and the tenants of those units will be closer than the report suggests, and granted a full view of their home
- the long term viability of the trees situated along the southern edge of their property is concerning since there will be significant soil disruption required to build this development; should these trees not succeed with the building in place it will only exacerbate the already significant intrusion of their privacy
- the addition of 62 units will bring a significant amount of tenant and visitor traffic through the immediate neighbourhood and exacerbate existing traffic issues; as well, Trent Street, which does not have sidewalks but sees a large amount of foot and bike traffic from people accessing Carlington from Fisher or the Experimental Farm, may become the defacto parking spot for visitors to 1110 Fisher and these parked cars will force pedestrians onto a street, thus creating a significant safety hazard
- the proposed building does not fit into the neighbourhood; the large towers to the south of the Turnbull School are 100m-200m away from this development and do not justify the height above the lowrise structures less than 10m away from the site; a 9 story building immediately adjacent to a 2 story building can not be justified as an adequate transition
- other impacts include noise (from the residents and the facility itself), diminished property values and shading to their lot during the fall and spring
- supports development of the site but not one with such negative impacts

**Murray Peacock** (oral and written submissions)

- the developer had made compromises to address community concerns about the previous proposal for a six storey building, in respect of the mass of the building and the traffic complications that it would have created in the neighbourhood, but are now proposing a nine story building that ignores previous consultations
- the responses residents have received from the City to questions from balconies to hydrology seem to suggest the City just wants to push the application through, and leads to the credibility of the developer, who has shown absolutely no regard or respect for the neighbourhood; it seems it's all about the money and previous promises regarding tree cutting, privacy measures and building size have been ignored
- existing traffic issues and pedestrian safety hazards will be exacerbated, and the proposal will leave neighbouring properties with depreciated and possibly damaged

homes and no privacy

**Ruby Puni** (oral and written submissions)

- the 2016 approved zoning gives the owner permission to build multiple units and at a height higher than neighbouring homes; that rezoning process was carried out in consultation with and accepted by the community and the City as appropriate residential intensification; the adjacent land uses have not changed since 2016, so it appears that the rationale that was stated for the property a few years ago has changed
- supports appropriate intensification but the proposed zoning amendment and proposed development is a significant departure from the previous zoning decision; it is much larger in scale and mass, it does not fit with the existing community, and will have huge adverse impacts on the community and neighbouring residents
- the staff report provides very little locational context about the area and the site and it does not provide a valid or sufficient argument to support the recommendation for approval; 1110 Fisher Ave is surrounded by R2 zoning, directly adjoining five low-rise residential dwellings to the north and a school to the south and west; the lot itself has a relatively narrow frontage of 32 metres and is 46m deep, and it sits within the community; the proposed building does not fit within the context of its immediate area nor is it compatible with existing homes in the neighbourhood with respect to size and setbacks, and it is insensitive to issues such as privacy and parking; it would cause undue adverse impacts in the neighbourhood
- traffic and safety will be impacted as a result of the increased traffic it will create on Fisher, at or near Turnbull School and along Trent Street
- the setbacks for the proposed development are not in compliance with the City's requirements, meaning it will be a 9-storey apartment building with numerous windows and balconies adjacent to its neighbours, and this, combined with the proposed increase in density from R3 to R5 for the property raises serious concerns about privacy for neighbouring families and children at the school
- surrounding neighbours will be impacted by significantly increased noise in the area from increased traffic noise, cars and service vehicles, and from the apartment units and their balconies; noise from balconies is not considered in the Noise Assessment submitted by the owner of 1110 Fisher
- pollution and fumes will be generated by the proposed building and it is not clear in which direction the exhaust pipes will release the fumes or where the vents from 3 levels of underground parking will be; the staff report states that many issues will be dealt with at the Site Plan Control stage (ventilation, noise, traffic, trees, impact on neighbouring structures, etc.), but these issues are relevant now to compatibility

and design, and the fact that there are so many problematic issues should give pause at this stage about the suitability of the proposed development for this site and the surrounding community

- the proposal does not fully meet the policies for buildings in the General Urban Area, the developer has not fairly considered the negative impacts on the community or surrounding properties, the proposal is not appropriate, does not represent good planning and is not in the public interest

**Sarah McDonald, WSP, for J.D. Turnbull Development Inc.** (oral and written submissions)

- spoke to traffic/transportation impacts on the neighbourhood resulting from an additional 62 units at this location, adding increased risk of conflict between vehicles, bikes and pedestrians
  - ❖ a re-zoning from R3 to R5 could lead to an increase in development generated person-trips (from 11 to 64 for AM peak hour person-trips and 9 to 53 for PM peak)
  - ❖ the oversupply of parking at 1110 Fisher Avenue, when compared to the minimum required by the Zoning By-Law, will influence the mode choice of residents towards the auto mode
  - ❖ the Planning Rationale states that the proposed development assists in promoting transit use and the 1110 Fisher Avenue Transportation Impact Assessment (June 2019) assumed a transit mode share of 25% during both peak hours, however, this transit mode share is likely high given the provision of nearly one (1) tenant parking space per dwelling unit and the available transit options adjacent to the site
  - ❖ a detailed Traffic Brief prepared in 2013 provided concerns with the transportation system based on a (then) proposed development of 42 units, and for the most part, from a transportation perspective, the recommendations provided in that transportation analysis remain valid when considering a larger development of 62 residential units
  - ❖ the access design for any development located at 1110 Fisher Avenue will be determined through a future and separate Site Plan Control Application, but, when considering the suitability of a R5 zoning for a 9-storey apartment building, the proximity and interactions between the existing Turnbull School access and the future development accesses should be considered
  - ❖ the 1110 Fisher Avenue Transportation Impact Assessment (June 2019) discusses the high-level impacts of the proposed residential development to Turnbull School but does not indicate but does not mention that passenger



vehicles transport most of the school's student population; also, during the 2018-2019 school year, a private transportation service bused 25 students in three passenger vans that accessed the school site using the front entrance from Fisher Avenue (not from Chevrier Street, as noted in the Transportation Impact Assessment)

- ❖ the introduction of a driveway on the 1110 Fisher Avenue site that supports a 62-unit residential development and the associated traffic could negatively impact the neighbourhood through increased risk of conflict between vehicles and vulnerable road users at the site accesses, through a shift in traffic patterns would increase the number of vehicles traveling on the local streets (Trent Street and Chevrier Street), and by cut-through traffic on the school property during school hours, especially during the Turnbull School pick-up and drop-off periods

**Nadia De Santi, WSP, for J.D. Turnbull Development Inc.** (oral and written submissions)

- the proposed rezoning and development is inconsistent with the 2020 Provincial Policy Statement, does not conform to the City of Ottawa Official Plan and does not meet the general intent and purpose of the City of Ottawa Comprehensive Zoning By-law 2008-250; it represents incompatible development in the Carlington community, does not represent good planning nor is it in the public interest, and will result in numerous adverse impacts
  - ❖ the level of intensification and scale of development proposed through the rezoning for this property has the potential to adversely impact the safety of school children, residents, pedestrians, cyclists, and motor vehicle drivers; it also has the potential to exacerbate existing traffic flow challenges on Fisher Avenue, by introducing a site access and egress that will conflict with existing site accesses, bus stops, cycling lanes, and vehicle turning lanes on Fisher Avenue, and by introducing a building that relies heavily on vehicular trips to shopping and services which are located at a considerable distance from the site
  - ❖ the proposed 62 units and the proposed building height of 9 storeys (31 m) are excessive for the size of the property and out of scale with the neighbouring Turnbull School and Carlington community to the west and north, including all existing residential development north of the proposed development on Fisher Avenue
  - ❖ the Carlington community and Fisher Avenue are not identified as Target Areas for intensification, including the type of intensification, density, and height being proposed

- ❖ the proposed development does not meet the criteria of the Official Plan under which new taller buildings may be considered within the General Urban Area land use designation, which the City Staff Report primarily relies upon as a rationale to recommend approval of the proposed development:
  - Fisher is not a typical arterial road; it is not located within 800 m walking distance of a future Rapid Transit Station; it has a rural cross-section consisting of one lane in each direction, with additional turning lanes at key intersections, and is primarily characterized by the rural open space of the Experimental Farm and low-rise residential development
  - Fisher is designated a Transit Priority Corridor (Isolated Measures) on Schedule D of the City's Official Plan, which is not intended for the same level of transit service as roads designated Transit Priority (Continuous Lanes), such as Carling Avenue and Baseline Road, for example, and as such cannot support the same level of intensification
  - the Carlington community is not an area characterized by taller buildings or having sites zoned for taller buildings; the site is not on the edge of a community, as stated in the report, and it is adjacent Turnbull School which is a prominent feature of the Carlington community, as well as the low-rise residential dwellings which are immediately adjacent to the site, and which have rear yards abutting the site's northern boundary; it is also nestled in mature neighbourhood and located between existing low-rise institutional and residential uses; any assertions that the three existing apartment buildings are adjacent to the proposed development and are representative of the character of the area are a misrepresentation of the actual built form, context, and low-rise character surrounding the site
  - the proposed development does not enhance or build upon desirable established patterns and built form, but rather deviates from them on an undersized site which cannot support the proposed level of intensification; it does not act as a transition between the existing apartment buildings and the surrounding low-rise residential dwellings and it interrupts the existing transition by introducing building height and density that is out of character with the adjacent established uses
  - the approved rezoning in 2015 for the site from R2 to R3A[2229] to support 9 units of low-rise townhomes and semi-detached units was established in consultation with the Carlington community, the Turnbull

School and Councillors, conforms to Policy 3.6.1.5 of the Official Plan, and should be maintained

- ❖ as there is no community design plan or other similar Council-approved planning exercise for this area, the planned function for the area is established through the Zoning By-law; the proposed development does not conform to the compatibility criteria - building design, massing and scale, and outdoor amenity area - set out in the Official Plan
- ❖ the proposed development does not meet the general intent and purpose of the Zoning By-law:
  - the current proposal to rezone the property from the previously approved R3 zone to an R5 zone represents a major change in density and height – approximately 7 times the density currently approved for the site
  - it appears that the details of the proposed zoning in the staff report are incorrect or not adequately addressed, in terms of setbacks, and do not accurately reflect the adverse impacts to the adjacent School and residential properties
  - the Planning Rationale in respect of transit aspects is directly contrasted by the 65 proposed parking spaces for the proposed development; the proposed R5 Zone only requires 25 parking spaces for the number of residential units proposed, so the proposed number of parking spaces is more than double the zoning requirement
- ❖ the Staff Report contains inaccurate information and omissions in respect of: site context; balcony specifications; the Consultation Summary; Turnbull School's concerns about privacy impacts; setback specifics and their impacts on Turnbull School
- ❖ it is anticipated the development will have adverse impacts in terms of: traffic; safety; privacy; potential damage during excavation and construction; potential to set precedent for over-intensification of the community

**Emilia Ordolis** (written submission)

- the 9 story height of the building will ruin the historic character of the neighbourhood, which is a residential area of mainly small family homes
- an ugly 9 story building right next to the beautiful Experimental Farm will be an eyesore and I will lead to other similarly high buildings
- pushing through such an application at this time seems unfair and underhanded, as residents have expressed strong opposition to the height of the applicant's proposal,

but are not in a position to publicly gather and express their views as vocally due to the COVID-19 pandemic

**Gerald Thompson** (written submission)

- it's an inappropriate building to the site and an imposition on the neighbourhood; a nine story building with balconies will have a clear view onto backyards on Trenton and into the Turnbull School yard; an underground parking garage will destabilize the soil, geology and hydrology; the trees that remain on the borders will not survive the disruption
- the developer keeps pushing the zoning when citizens formerly reached a compromise for a smaller footprint and half the stories
- the singular plan for the city is for developers, local and from away, to become rich, and then richer, zoning change by zoning change
- Ottawa is often referred to as a 'world class city', but such cities are low rise cities with lots of green space and open areas
- Developer influence with Planning Committee members has led to sprawl, loss of green space and towers that impact cityscape and neighbourhoods

**Heather (email sender 'Heather Douglas')** (written submission)

- Carlington residents are not against infill or intensification, but are against unwise overdevelopment that comprises the safety and well-being of local community members
- pedestrian and biker safety at the Trent and Fisher intersection is already concerning and will be impacted by the addition of vehicles of 64 families in the proposed tower, with many attempting to turn north bound at busy times, which could lead to a greater number of accidents affecting motorists and endangering children and other self-propelled intersection users; also, unlike the towers south of Turnbull School, 1110 Fisher Ave has a tiny relative property size and cars entering exiting will be needing to 'thread the needle' of traffic and small landing space, giving less attention to their surroundings and further putting pedestrians and bikers at risk
- the applicant has not addressed concern regarding the valuable tree canopy surrounding the property; a one metre setback will do zero to protect the integrity of those root systems and, as such, the trees will not survive; this is distressing to a community that has seen many tree losses due to Emerald Ash borer and for all the reasons we know trees to be beneficial to human health and to combat the effects of climate change; asked that the City Planner provide a fact-based rationale for

how they believe a one metre setback would address concern around tree health and viability

- this proposal seems a lot like greed, as the developer had an approved plan that would increase density and housing stock and was agreeable to the surrounding community, but instead of going ahead with that plan, the developer is looking to gain more from this property at the cost of environmental health and community safety and well-being; further north on Fisher, another development set to be a low rise building is slated and it is acceptable to the community
- to allow the residential section of Carlington on a two lane road to increase to R5 is to set precedence that will allow future developers to build high rises on the northern section of Fisher Ave.
- disappointed that the City Planner has supported this file with nearly zero of the community's concerns being addressed

**Kelly Hoop** (written submission)

- it's clear from the lack of change in the proposal (from the previous one) that the developer does not understand the concerns and/or needs of the community and this unwillingness to compromise does not install any good will
- not opposed to intensification, and supports the other development projects proposed for the neighbourhood (on Summerville and a little further on Fisher), but the size (especially height) of the new building is completely unreasonable for the lot size and location
- would be supportive of the proposal if the development fell within the newly zoned R3 rules (already an increase from the original zoning) and was limited to 3-4 stories
- the building will overpower the location and significantly negatively impact its direct neighbours whose back yards will essentially be turned into dark lane ways
- adding an additional 60 units to replace a single family dwelling is totally unreasonable
- the amount of additional traffic created by this development cannot be supported by Fisher as it currently exists; rush hour is already bumper to bumper traffic and Fisher is single lane in both directions with no room for expansion
- increased traffic is likely to materialize on Trent, Kingston, Chevrier and Bakervale as people look to that neighborhood for overflow parking (the planned visitor parking is simply not enough); none of these streets have sidewalks and there are already issues with speeding on Trent and Kingston

**Janet Mason** (written submission)

- concerned about the abrupt nature of a mid-rise building right behind low rise homes that have flat fields to the east; one only needs to see the mid-rise and high towers to the south of the property so see the unfortunate result of a previous Planning Committee decision
- there will be increased and exacerbated traffic issues on two-lane Fisher Avenue
- this is not a downtown location, which is why people want to live in the neighbourhood
- asked that that Committee not change the zoning of that small holding that formerly housed a small white frame farmhouse; established zoning should protect the tax payers in the neighbourhood from a developer that has no interest other than profit

**Sasha Kearney and Jonah Veenendaal** (written submission)

- concerned about their privacy, with a 9 storey building that will look directly into their homes and backyards, which will directly affect the quality of life and devalue their neighbourhood
- the balconies will overlook the schoolyard at Turnbull School, which will contravene the school's ability to maintain privacy and safety the children; it is extremely inappropriate to put such a development in close proximity to an elementary school that will increase the traffic congestion, make crosswalks more unsafe, and inhibit the children's ability to feel comfortable during recreational activities
- Trent Street is already an area of concern regarding traffic congestion, speeding and excess street parking, with the Experimental Farm entrance so close, and the school, street parking is frequently filled to the brim for the majority of the day; to add this development, the safety for pedestrians (who do not have a sidewalk), cyclists (who enter the farm pathways at the intersection with Fisher), and the children who play in their front yards would be jeopardized

**Catherine Butts** (written submission)

- the children at Turnbull school will lose all of their privacy; the play area adjacent to the fence, which is closest to 1110 Fisher, is where the kindergartens play and it is their right, benefit and privilege to continue to be 'private'; there will also be a reduction in privacy for all residents close to the development
- there is a constant flow of pedestrian traffic (cyclists, strollers, walkers, dog walkers, runners) on Trent Street, coming from other streets in the neighbourhood, but there are no speed limit signs, no speed bumps, no traffic calming devices, no sidewalks and no parking enforcement; vehicles park on both sides of Trent street and there are drug deals taking place at some of those vehicles; the development will

increase traffic on Trent street, and Fisher already has traffic problems so more traffic will only increase the chances of an incident

- a high rise and tree removal to accommodate it would interrupt the therapeutic view of the Experimental Farm

**Sarah Porter and Ryan Dill** (written submission)

- the community of Carlington welcomes and understands infill development and is supportive of the projects currently underway to build the corridors of Merivale Road and Carling Avenue, as well as the plans to add density to the Westgate Plaza area; there is a definite lack of infrastructure, commercial and residential viability in that area; the main arterial roads are wide and allow for increased traffic load
- the area for development at 1110 Fisher Avenue is not designed for such type of development; it is a lush, established, family-oriented community with low turn-around; the homes are on large lots and are well maintained, they are surrounded by green-space; they have laneways long enough to accommodate 2-3 vehicles to be parked in their driveways, so vehicles can stay off the road, which is important because there is significant pedestrian traffic along this corridor (which does not have sidewalks)
- the development will increase vehicle traffic/congestion; vehicles leaving 1110 Fisher and turning left (north) on to Fisher Avenue will not have a traffic light and will have to cross the left hand turn lane (to enter Trent); vehicles turning right (south) on Fisher Avenue will be faced with traffic (vehicle and pedestrian) from Turnbull; vehicles will probably loop into the Turnbull School driveway to gain a better angle to turn North, posing congestion and safety risks
- safety oncoming cyclists needing to cross Fisher to access the Experimental Farm pathway will be impacted by the increase in vehicle/traffic congestion; the new bike lanes on Fisher Avenue give cyclists a better artery to travel on Fisher and increases their speed of travel, but their lane will be congested and blocked with vehicles trying to enter and exit that building
- safety and privacy of children will be impacted; It would be inappropriate to have balconies of these units overlooking the schoolyard at Turnbull school, as it will prevent the school's ability to maintain privacy; the addition of this building will also increase traffic congestion, make sidewalks less safe and most importantly, will challenge the essence of safety for the children during recreational activities
- concerned about the removal of trees

**Rosanne Iland** (written submission)

- provided reasons in support of the previously approved Zoning By-Law amendment of March 25, 2015 for this site
- opposed the current development proposal because:
  - ❖ it increases the dwellings/units from 9 and a 14m height, to 62 and at least 31m, when Policy 3.6.1.3. (of the Official Plan) is for low rise construction
  - ❖ it does not meet the "compatibility" of new, with existing buildings, of the Carlington Community; the two high rise buildings south of Turnbull School and the NCC cycle path are not part of Carlington Community; this proposal will break that pattern and will also create speculative buying and developing of any future home sales on Fisher Avenue north of Trent
  - ❖ it is for a very small lot, the size of which appears to have increased from its 2015 City approval of 1,468 sq.metres to its 2019 Rezoning Application of 1,536 sq.metres; questioned how the lot size grew from one application to the next, when all boundary lines are fixed, and what other measurements are incorrect
  - ❖ far from "enhancing" established building patterns, this development design is not "generally sensitive" to the neighbourhood as per requirement. Instead it is fashioned as a monstrosity between two low rise landscapes, the Turnbull School on the South and R2 homes on the North
  - ❖ all of the setbacks have been minimised, even where this proposed development abuts a R2 ZONE (North Boundary) which will negatively affect at least 5 current homes
  - ❖ a 3 level underground parking excavation will negatively impact the foundations of those north boundary homes
  - ❖ heritage requirements, being near to the Central Experimental Farm, demand the building "blend" and that "existing trees and hedgerows be retained"; trees have a surface root feeder network far beyond their canopy and they will die with this construction; there is no preservation plan for these trees. instead the developer states that "protective measures will occur during construction through the" (still to apply for) "site plan control approval process"; the developer acknowledges that the Tree Conservation Plan identified trees on and near the site and that a 1m portion of the underground parking was moved
  - ❖ recently the City's Standing Committee on Environmental Protection, Water and Waste Management received projections for climate conditions in the



National Capital Region; no tree is disposable under these conditions

- ❖ this developer expects to receive a waiver from the Planning Board for all of the above, because this site is "on an arterial road" and a "proposed priority transit plan", yet, the priority transit is non-existent.
- ❖ the developer is also citing a "future road widening" as a solution to proposed setbacks; increasing the population at this location without the proper supports will intensify the traffic congestion already experienced on Fisher Ave.; the egress and access to this location, so near to the junction of Trent & Fisher, as well as to a school, is hazardous. Cyclists and Pedestrians are once again being made dispensable
- ❖ the increase of residents at this location will once more expand the need for additional visitor parking on nearby streets, which have no sidewalks and already experience parking issues during school parent meetings; winter walkability on these streets is hazardous
- ❖ this development proposal is relying on many hypothetical expectations and, as such, it is also worth reviewing other recent proposals to the City by the applicant (examples provided), which, when taken in the context of an overall evaluation is significant that there is repetition of similar concerns throughout, and they too are concerns of Carlington residents about this proposal

**Robert Crout, past President, Carlington Community Association** (written submission)

- the community is predominately single-family homes with a few low-rise apartment's buildings in the area and this build should be orientated to be a family-friendly development instead of a massive infill that appeals to no one; such a family-friendly development would complement the splash pads and kid friendly play structures that dot the community's parks and schools yards
- the area does have a few "tall buildings" that predate current standards but their existence does not justify a new oversized high-rise building built on what was a single-family home; it does not fit into character of the community and its size is not compatible with the surrounding neighbourhood
- the City's Master Plan should guide community development rather than allowing something to be built because it can be
- the proposed structure is not a transition from high to low, it is just an oversized infill that does not belong on the site requested or in this community and the language in the report is misleading to make it sound acceptable
- from past experience in the area, tree conservation is given lip service only and the

removal of mature trees is facilitated by the phrase “where possible” that allows all tree retention to be subject to change (i.e. removal either by accident or design)

- allowing the “relaxation of setback” leads to concerns and questions about snow management, water runoff from heavy storms, flooding and impacts on neighbours
- questions about accessibility must be addressed, if the structure is to be truly geared to seniors, such as the provision of the required space for Para Transpo pick up/drop off and whether the units meet accessibility standards in terms of layout and functionality
- questioned whether ground water problems from the farm have truly been considered
- questioned whether issues with parking and traffic been resolved to the satisfaction of the community
- questioned whether all the fire, garbage and snow issues been resolved to the satisfaction of the community
- questioned whether the issues of a high-rise being so close to a school and the impact on children’s safety have been addressed

**Davey Slimmon** (written submission)

- the scope and scale of the development proposed will have an adverse impact on the safety of cyclists
  - ❖ Fisher Ave. is a street which is already incredibly unsafe for pedestrians and cyclists between Trent St. in the south and Carling in the north, and the addition of a significant new residential property at the proposed location significantly increases the likelihood of congestion in the vicinity of the signalized crossing into the Experimental Farm Pathway near the high-rise apartments
  - ❖ congestion increases aggressive driving and speeding, both of which are already noted issues on Fisher Ave - a road which most cyclists in Ottawa already consider to be wildly unsafe
  - ❖ the absence of safe cycling infrastructure along the west side of Fisher Ave along the curb makes southbound cycling on Fisher between Carling and Trent incredibly treacherous and often sends cyclists onto the sidewalk, competing with pedestrian traffic on a sidewalk that is already perilously close to fast moving, southbound traffic on Fisher; a significant increase in car traffic both exiting and entering an oversized development at 1110 Fisher Ave will only serve to compound this problem and increase the likelihood of a serious collision between Emperor and Trent or in the general vicinity of the

- proposed development, particularly as both drivers and cyclists often struggle to effectively communicate their intentions to turn, especially when rushed
- ❖ the precise location of the proposed development presents an issue with safe crossings of Fisher Ave; a natural pathway or “desire line” has formed through the forested area of NCC land approximately 300m to the north of the proposed development at 1110 Fisher Ave. and is used routinely by cyclists, joggers, dog walkers and others who use this route to gain access to the Experimental Farm; the path is also located beside an OC Transpo bus stop, increasing its overall use; the presence of this natural pathway further complicates the picture for the proposed development as many people will continue to choose this option for its convenience, even as the congestion in this precise location increases
  - ❖ cyclists traveling north on Fisher from Baseline are challenged further by the “bike lanes” (i.e. paint) on the eastern shoulder far before they arrive at the Trent Street intersection or the site of the proposed development; as cars queue up to turn left into the existing buildings on the west side of the street, Turnbull School or the proposed development at 1110 Fisher, impatient drivers routinely swerve right into “bike lane” or shoulder in order to keep their speed
  - ❖ to date, there have no meaningful improvements made to bicycle safety on Fisher Ave north of Baseline, as the painted infrastructure (e.g. super-sharrows) introduced adjacent to the proposed development are widely derided by the cycling community since drivers either don’t understand what they mean or are simply traveling too fast to adjust their speed for a cyclist who is lawfully choosing to “take the lane” in a super-sharrow; paint is not infrastructure and offers no protective qualities for cyclists and, for this reason, isn’t viewed as a valid part of safe bicycle infrastructure
  - ❖ the bigger problem with Fisher Avenue is speeding, with drivers routinely exceed 80km/hr as they head north from Baseline (Fisher is a road designated as a 50km/hr zone); there is a school in this stretch and it also is the approach to two of the region’s premier hospitals; if anything, this stretch of Fisher should be calmed immensely with sweeping changes to speed limits, space for safe cycling and better crossing options for pedestrians and their connections into key pieces of NCC infrastructure; in absence of these measures, the development proposal should be rejected

**Andrew Boyd, IFS Associates, Urban Forestry and Forest Management Consulting, retained by J.D. Turnbull Development Inc.** (written submission)

- concerns about the possible impact on trees:

- ❖ with the proposed 1.5m setback on the adjacent development property, the critical rooting zones of many of the eleven mature Norway spruce (*Picea abies*) on the property will be impinged upon; given the particular sensitivity of this species to root loss and disturbance, and the well-known fact that spruce are shallow rooted and root loss within close proximity can make such trees prone to failure, there will be concerns around public safety in terms of the children and parents who are regularly on the school property; also, as a grouping, or stand of trees, these spruce have grown to support each other in relation to the force of winds and if some trees are lost as a result of root loss or damage, the remaining trees will be more prone to wind throw, or full-tree failure
- ❖ the effects of urban heat islands is well understood – instead of absorbing radiation from the sun, the hard surfaces of urban areas reradiate it causing elevated temperatures; the impacts on urban vegetation is also well-known – elevated temperatures lead to increased rates of transpiration (moisture lost through foliage); as proposed, the building will span the entire width of the stand and will overtop the tallest tree by many storeys; this stand, being south of the proposed building, will be exposed to an intense amount of both shortwave and longwave radiation (coming from the building); the thermal heat they will be exposed to will be greatly elevated in the new micro-climate created by the placement of the building and, correspondingly, it is likely their transpirational rates will increase to the point that moisture cannot be replenished, leading to needle desiccation, drop and eventually terminal decline; the new building will slow wind speeds and so will lower air circulation, removing the chance to dissipate heat
- ❖ Council approved a rezoning in 2015 that permits a development consisting of semi-detached and townhouse dwellings that would not require underground parking; a minimum side yard setback of 1.2 m was previously approved, which exceeds the 1 m below grade side yard setback proposed along the southern property line adjacent to the location of the Norway spruce trees; the previously approved development, with a larger setback of 1.2 m and decreased impacts from radiation and wind associated with a taller building, make it a much more favourable development scenario in relation to retaining existing vegetation at 1132 Fisher Avenue

## Primary reasons for support, by individual

### **Miguel Tremblay, Fotenn** (applicant) (oral and written submissions)

- provided context on the site, including that Fisher is an arterial street in a transit priority corridor, has a major cycling route, is in proximity to commercial and

employment corridors, and adjacent to the Experimental Farm. He indicated the proposal meets criteria identified by the settlement of OPA 150 for additional height and density in this area, and that it complies with provincial and municipal policy, demonstrating how the building will transition to existing development, noting the smaller than allowed footprint and the separation between buildings.

**Effect of Submissions on Planning Committee Decision:** Debate: The Committee spent 1 hour and 36 minutes on this item

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

## **Ottawa City Council**

Number of additional written submissions received by Council between June 25 (Planning Committee consideration date) and July 15, 2020 (Council consideration date): 1

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

**Ruby Puni, Aski Ehdego, Jon Aro, Erin Aro, Murray Peacock and Carole Peacock**

- provided the history of the property in question (previous processes and approvals)
- outlined concerns with current proposal, noting the staff report has not addressed them, including:
  - ❖ the policy criteria in Section 3.6.1.4 of the OP have not been met; this area is not characterized by taller buildings as required, but by predominantly low-rise residential dwellings
    - the setbacks for the proposed development are not in compliance with the City's requirements on three sides
    - Sections 2.5.1 and 4.11 of the OP are not referenced in the Departmental report at all and issues of design and compatibility are not given the due respect they deserve
    - the proposed building is too massive for the small lot; the height is out of scale with the abutting 2-storey dwellings, and the design offers no transition or integration with the surrounding area
    - the proposed building would result in a complete loss of privacy for adjacent residents
    - other undue adverse impacts: the resulting changes in traffic flow in the immediate neighbourhood, as well as parking issues on Trent Street will both create significant safety hazards, particularly for pedestrians and cyclists.

- the current application does not meet the policies of the OP for buildings in the General Urban Area, and would cause serious negative impacts on the surrounding community
- suggestion at Planning Committee that this proposal should be approved given “emerging policies” around intensification is troubling; “emerging policies” should not be used as carte blanche to approve rezoning; each application must be considered in its own context, against existing policies including criteria for design and compatibility
- the community has engaged in this process in good faith, while the developer has not engaged with the community in any meaningful way; the developer is now self-servingly using the emerging policy argument (after not taking the available opportunity to appropriately intensify and build needed housing) to justify a development that is too massive and incompatible
- an approval of the current application would be inconsistent with the previous decisions for this property, as well as the recent decision by Council for 966-974 Fisher Ave (approved for 3-storey apartments) which shares a similar context to 1110 Fisher

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

Council considered all written submissions in making its decision and carried the report recommendations with the following amendment:

WHEREAS at the Planning Committee meeting of June 25, 2020 Committee approved the recommendations of Report ACS2020-PIE-PS-0066;

AND WHEREAS there is a technical amendment required to clarify that the heights and setbacks are as per the schedule that was approved at Planning Committee;

THEREFORE BE IT RESOLVED that Council approve the following amendments to the Report:

1. That the legend in Document 1 be revised to “Area A to be rezoned from R3A[2229] to R5B[xxxx] Sxxx”; and,
2. That Document 2 be amended by adding the following text as item 2.b., “In Column V add the text, “The maximum heights and minimum required setbacks are as per Sxxx”;

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