



Nov 27, 2023

To: Planning and Housing Committee (PHC) Coordinator Kelly Crozier (kelly.crozier@ottawa.ca) for distribution to PHC members, and Kelly Livingstone (kelly.livingstone@ottawa.ca):

**Re: Zoning By-law Amendment (ZBLA) Application D02-02-22-0049
Part of 780 Baseline Road and 7 and 9 Hilliard Avenue**

Comments by the Fisher Heights and Area Community Association (FHACA) Board

Introduction

Theberge Homes has submitted a ZBLA application, which proposes three residential towers: one tower at 32-storeys, and two towers, each at 24-storeys, surrounded by four 4-storey podium buildings, to be built at 780 Baseline on the site of what is now a 1-storey minor commercial plaza. With the proposed three towers a total of 1,089 residential units will be built and will include commercial/retail space on the ground floor.

The ZBLA application has now been revised to seek approval to re-zone part of the 780 Baseline property that would permit the development of one 24-storey tower, Tower A, as Phase 1 of the development, with 320 residential units.

The proposed development is in Ward 9, in the neighbourhood of Fisher Heights; the site is also addressed in the *Carleton Heights Secondary Plan (CHSP)*, which is part of the City's new Official Plan (OP), where the site is designated as "Neighbourhood Mid-Rise" (up to 6 storeys) and "Shopping Area-Minor".

Summary:

The FHACA Board:

- 1. does not support the proposed density and building heights of the entire 780 development proposal, including Tower A of Phase 1, as they are inappropriately excessive for this site and the surrounding neighbourhood;**
- 2. deems that the City Staff Report (File Number: ACS2023-PRE-PS-0137), with its soft language and general statements, does not provide solid evidence that this proposed development meets the requirements of the OP, the CHSP, and other City policies and guidelines;**

3. recommends further research and validation of the shadowing impacts from Tower A, Phase 1 on the CEF, which supports the comment from the Applicant’s heritage consultant, Commonwealth Historic Resource Management’s revised *Cultural Heritage Impact Statement* (October 2023) that states even Tower A, Phase 1, will have a negative effect on AAFC’s CEF’s research lands:

“...the Phase 1 proposed development will have some impact on the cultural heritage value of the CEF in a negative way... Further the character-defining elements of the fields, plots and shelter-belts will be maintained but the CEF’s research role could potentially be compromised” (page 4);

4. supports the City staff position that additional research and time is required to determine the full nature of the impacts of the shadowing of the two remaining Towers B and C (Phase 2) on Agriculture and Agri-Food Canada (AAFC)’s Central Experimental Farm’s (CEF) agricultural research land;

5. recommends the completion of a Phase 2 Environmental Site Assessment (ESA) as recommended by EXP Services Inc., the consultants who authored the Phase 1 ESA on behalf of the Applicant. EXP Services note in *Section 7.0 Conclusion* (page 18): “In summary, the following areas of potential environmental concern (APEC) were identified:”

Area of Potential Environmental Concern (APEC)	Location of APEC on Phase One Property	Potentially Contaminating Activity (PCA)	Location of PCA (On-Site or Off-Site)	Contaminants of Potential Concern	Media Potentially Impacted (Groundwater, Soil and/or Sediment)
APEC #1	Entire Phase One property	PCA#30 – Importation of Fill Material of Unknown Quality	On-site	Metals, PHC, PAH	Soil
APEC #2	North part of Phase One property	PCA#37 – Operation of Dry-Cleaning Equipment (where chemicals are used)	Off-site	VOC	Groundwater
APEC #3	Southwest corner of Phase One Property	PCA #28 – Gasoline and associated products storage in fixed tanks	On-site	BTEX, PHC	Soil and groundwater

“Therefore, The Qualified Person who oversaw this work, Mark McCalla, P.Geo., recommends that a Phase Two ESA be conducted to address the APEC that may have adversely affected the Phase One property. The Qualified Person can confirm that the Phase One Environmental Site Assessment was conducted per the requirements of Ontario Regulation 153/04, as amended, and in accordance with generally accepted professional practices.”;

6. recommends the completion of a Groundwater Impact Assessment study

A Groundwater Impact Assessment study was requested by AAFC in their letter to the City (dated February 13, 2023), as part of the ZBLA circulation comments; this is required to

assess the impacts to the water table on the CEF lands from the construction of the underground parking garages.

The FHACA Board could support a ZBLA for the subject site which addresses the following conditions:

1. Compliance with the Carleton Heights Secondary Plan.

In the City of Ottawa's new OP, Section 1.4: How to use the Official Plan, Bullet #8, text indicates that policy detail in a Secondary Plan supersedes the OP policy:

“Where there are inconsistencies in policies between this Plan and secondary plans or area-specific policies, those policies contained in secondary plans and area-specific policies take precedence.”

This clause is repeated in Section 12.1.9 of the OP.

While we understand that the CHSP can accommodate minor variations in policy (as per Section 4.2 of the CHSP), we do not believe that a change from a medium density 6-storey building (what is currently permitted) to a 32-storey or even a 20-storey building is a “minor variation”.

The CHSP does provide a “Neighbourhood High-rise” designation which permits buildings of up to 20-storeys (Section 2.4.1), therefore the site could take a 20-storey building if it was properly re-zoned for that density with an OP amendment.

If we assume that the City wishes to follow its own policies, a site-specific amendment to the CHSP policies in the OP is required, as well as an amendment to the land use schedule of the CHSP to support the proposed staff report and the ZBLA.

The approval of anything taller than a 20-storey building would render the CHSP meaningless and nullify the value of all Secondary Plans across the City.

2. Reduction in the building height and density.

The development proposal and ZBLA introduces a population density that is far above what was envisaged for this site in the CHSP. The recommended density for this site is 2.0 FSI (maximum Floor Space Index), while these towers will have a density of 4.6 FSI (including Tower A, Phase 1).

While we support sensible intensification, this one development site does not have to take all the increased population and density that has been forecast for the neighbourhoods of Carleton Heights and Fisher Heights.

The building floor plates need to be reduced to 750 square metres (from 902 sq m) to meet the requirement of the City's *Urban Design Guidelines for High-rise Buildings* (Section 2.24[a], page 23). No exception.

3. Compliance with the OP policy with respect to the 45-degree angular plane requirements, as implemented through the Council-approved *Urban Design Guidelines for High-rise Buildings*.

These towers do not meet the City's 45-degree angular plane requirements as outlined in the City's *Urban Design Guidelines for High-rise Buildings* (Section 1.17[b]) and consequently will introduce an undesirable negative impact on the surrounding neighbourhood as well as cast unwanted shadows on the AAFC's research lands of the CEF.

4. Demonstration of appropriate and effective transition from the adjacent established single-storey low-rise residential area.

The proposed high-rise tower does not provide appropriate transition to the nearby low-rise neighbourhood. Refer to Sections 4.6.6. and 5.3.1, and to Figures 15 and 16 in the OP. Simply tacking on a four-storey facade to the side of the building that is up against a two-storey building (south side of Tower A) is not sufficient transition nor does it meet the 45-degree angular plane requirements.

5. Completion of a Phase 2 Environmental Site Assessment as recommended by EXP Services Inc., the consultants who authored the Phase 1 site assessment on behalf of the Applicant.

6. Completion of a Groundwater Impact Assessment study.

A Groundwater Impact Assessment study was requested by AAFC in their letter to the City (dated February 13, 2023), as part of the ZBLA circulation comments; this is required to assess the impacts to the water table on the CEF lands from the construction of the underground parking garages.

7. Agreement with AAFC on how to proceed with development and intensification on lands that surround the CEF, in a manner that does not negatively impact the agricultural research currently being conducted on the CEF.

AAFC recommended in their letter to the City (dated February 13, 2023) that a 14-storey building would have less of a shadowing impact on the CEF research lands. **This height seems appropriate for all three towers, including Tower A in Phase 1, as it would also reduce the impact of these towers on the surrounding neighbourhoods.**

As currently proposed, the FHACA Board does not support the Applicant's requested ZBLA application.

We request that the City follow its own OP requirements, associated Secondary Plan policies, and other City policies and guidelines. We support sensible and sustainable intensification.

Thank for you the opportunity to comment on this matter.

Regards,

Imran Damani

Fisher Heights Area Community Association Board