



## HAMPTON-IONA COMMUNITY GROUP

**To:** Douglas James – Planning and Economic Development Department, City of Ottawa

**From:** Hampton Iona Community Group

**Date:** June 21, 2010

**Re:** Proposed Development at 114 Richmond Road by Ashcroft Homes

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The following are the comments from the Hampton Iona Community Group (HICG) regarding the proposed development at 114 Richmond Road by Ashcroft Homes. These comments are substantially similar to the submission that HICG made to the Design Review Panel for this same project.

### **EXECUTIVE SUMMARY**

114 Richmond Road is located within the boundaries of the Hampton Iona Community. The Hampton Iona Community Group (HICG) has followed the proposed development closely and in fact anticipated this development by insuring that the Community Design Plan (CDP) drafted in 2007 and the Richmond Road/Westboro Secondary Plan (SP) reflected the concerns of the neighbours and provided direction for the redevelopment and intensification of the site. HICG is onside with the City's goal of intensification in Westboro but intensification needs to be respectful of the community and at acceptable levels. Our participation in the CDP process was to help insure that this happened and so that residents could achieve buy-in with respect to intensification

Based on significant input from the community and our previous history with the preparation of the CDP and SP, HICG is greatly concerned that the level of intensification being proposed by Ashcroft is much too high for the immediate neighbourhood and will result in Westboro meeting its 2030 intensification targets once the development is completed but without infrastructure required to support this intensification. This could affect the rights of other property owners and future development in the neighbourhood. The heights and building densities being requested by Ashcroft are significantly higher than that allowed in the CDP and SP and envisioned by the community and are not compatible with the character of the surrounding neighbourhood. The levels of density and building height will overpower

the Convent building and will not allow the heritage of the building or the site to be properly recognized or appreciated.

HICG is onside with the entire site receiving heritage designation and we recognize that while this designation will inform any planned development, such designation does not prevent development. We consider the need for clear (even if not complete) site lines of the convent building from Richmond Road and Byron Avenue as part of the heritage requirements and to return this building to the community. While the convent has been cloistered for almost 100 years, it has been open to the public on a limited basis in a variety of ways and has always formed part of our community.

HICG has no objection to the site being zoned for mixed use and developed accordingly. We are concerned the mixed use zoning could easily allow for uses that are not now contemplated (such as a hotel) but could easily be substituted with no rezoning required. This type of substitution was previously done by the same developer at 111 Richmond Road.

We are pleased by Ashcroft Homes' plan to open the site to pedestrian and bicycle traffic, linking Byron Avenue to Richmond Road. We are also pleased that they are interested in various adaptive uses of the convent that will benefit both the local and wider communities but we do not see the adaptive use of the convent as a sufficient trade-off to allow for inappropriate densities or building heights on the site.

We are concerned with the level of traffic that will be generated by the site and the impact that this will have on residential streets, particularly Byron Avenue, Kensington Avenue, Brennan Avenue, Hilson Avenue and Leighton Terrace. We are also concerned that the seemingly limited underground on-site parking will result in overflow parking on these same side streets. We also believe that there are several shortcomings in the Delcan traffic study.

Much of the community does not consider an access road onto Byron Avenue as appropriate as it will result in the loss of valuable parkland along the Byron Tramway Park, break up the continuity of this park and could potentially be a safety hazard to the numerous pedestrians and cyclists of all ages who use this park in general and as a commuting route to area schools (Hilson Public School, Elmdale Public School and Churchill Alternative Schools) specifically. Very little thought has gone into the safety aspects of this access road nor is Ashcroft providing any benefit to the community for taking over public park land.

## **INTRODUCTION**

HICG is the community group which covers the area in which the Souer de la Visitation Convent (the Convent) is located. The borders of HICG are Richmond Road to the North, Carling Avenue to the South, west of Island Park Drive (but not including Island Park Drive) and the east side of Tweedsmuir Avenue. To the immediate east of HICG are the Island Park Drive Community Association and the Wellington Village Community Association (recently changed from West Wellington Community Association) and to the east is the Westboro Community Association. The four adjacent community associations work closely with each other on an issue by issue basis and have all been closely following Ashcroft's proposed development at 114 Richmond Road.

## **BACKGROUND**

**Community Design Plan** - HICG (represented by Lorne Cutler) in association with several other community associations west of Island Park were part of the Public Advisory Group (PAC) set up by the City in mid-2005 to develop a CDP for the Richmond Road Corridor. The purpose of the CDP was to try to reach a consensus with respect to the ongoing development of Richmond Road corridor and some adjoining areas such as the Westboro Transitway Station. Guiding the deliberations of the working group were the City's policy of intensification, recognition that Westboro in general and the Richmond Road Corridor in particular were prime areas targeted for intensification, the needs and concerns of area residents and merchants and the ability of the City's infrastructure to accommodate intensification.

While the development community was invited to provide permanent representation on the CDP Working Group, there was no ongoing participation by anyone in the Ottawa development community. That being said, developers did participate in the public planning charettes and made periodic appearances to present their specific proposed developments in the area. While Fotenn Consultants Inc. (Fotenn) did attend a few meetings, they did so representing other developers and there was no involvement by Ashcroft Homes (Ashcroft) at the time.

The CDP was developed over the course of two years and involved extensive public review and consultation. Several iterations were required in order to reach alignment with the community. Earlier proposals were rejected by community due to levels of intensification and inappropriate (too high) building heights.

The Richmond Road Corridor was broken down into several sections with detailed proposals made as to how each section should be developed. The Convent is located in Sector 6. The members of the CDP had proposed that for this section, that there should be a four storey maximum height for shallow depth lots backing onto low density

residential and six stories for deeper lots such as Canadian Tire, Canadian Banknote and the Convent sites. The thinking by the community members regarding four stories along Byron Avenue is that it would allow for stacked townhouses as townhouses were what we had been told would be appropriate for the Loblaws Superstore site. There was little anticipation that there would be apartment buildings along Byron Avenue but we note that the maximum height of apartments along Byron Avenue (opposite Shannon Street) is two stories with raised basements.

It was also recognized that should the Convent or the Canadian Banknote Company ever redevelop in the future that there was a need to maintain green space/public plaza on Richmond Road in any redevelopment, preserve Convent building for reuse and that the views of the Convent from Richmond Road should not be blocked.<sup>1</sup>

At a subsequent meeting it was asked as to whether the final CDP would reflect the community/PAC's recommendations for the study area. The City staff representative indicated that the terms of reference for the study would reflect the City's approach to CDPs in that a CDP was a collaborative approach with the community but that the CDP would ultimately be written by City Staff and would include staff's recommendation.<sup>2</sup> We therefore understood that any CDP or SP resulting from the process would have staff's concurrence.

At a further meeting, the PAC requested assurances from City Staff that if a developer were to take the CDP to the Ontario Municipal Board, that the CDP would be interpreted as the community intended. John Smit, Manager of Development Review for the City indicated that secondary plans show how high level policies are to be implemented<sup>3</sup> which implied that without a SP, the CDP could not be enforced. This helped to enforce the sense of the PAC that the CDP would ultimately have to be incorporated as a Secondary Plan in the City's Official Plan. The PAC strongly supported and encouraged the efforts of Councillors Leadman and Cullen to have the CDP officially approved as a Secondary Plan (SP).<sup>4</sup>

During the PAC review, it was recognized that a key issue with respect to the City's intensification strategy was that it was primarily focused with the development of residential units and not sufficiently focused on the infrastructure needed to support the intensification. As such, the City brought in David Hatton of the IBI Group to review the impact of intensification on local traffic. Hatton mainly reviewed Richmond Road and did not review Byron Avenue or Island Park. The study only looked at traffic capacity at the intersections along Richmond Road and did not look at such issues as traffic on residential streets or health and safety impacts of increased traffic. Hatton

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<sup>1</sup> Richmond Road/Westboro CDP PAC Meeting #4 - May 4/2006

<sup>2</sup> Richmond Road/Westboro CDP PAC Meeting #4 - May 4/2006

<sup>3</sup> Richmond Road/Westboro CDP PAC Meeting #7 Minutes - August 2/2006

<sup>4</sup> Summary of 27 Comment Sheets from March 22, 2007 Open House – April 12, 2007

noted that most of the major intersections along Richmond Road, including Island Park Drive and Richmond Road would fail and that to meet the challenge, the City would have to get the modal traffic split to a 60/40 split between cars and other forms of transportation (walking, biking, transit).

Ultimately by having a high level of consultation with the public and being open to public input, a Community Design Plan written by City Staff that had a high level of buy-in from the public. Having seen numerous instances both in Ottawa in general and Westboro in specific, where much of the public did not agree with how Ottawa's Official Plan was interpreted and implemented by City Staff, there was a significant desire by the public to have the Community Design Plan be adopted as a Secondary Plan and we were pleased when this happened.

**101 Richmond Road** – This building is being developed by Ashcroft. While 93/101 Richmond Road is not under review, this building is six stories whereas the CDP recommended four stories for a building on a narrow lot. The building was approved before the CDP was even completed and well before the subsequent Secondary Plan was passed. Given that 93 Richmond Road was approved prior to the CDP being finalized, HIGC worked with Ashcroft to try to moderate the impact of the building as it was unlikely that the height could be successfully challenged. In the case of 93 Richmond Road, the developer, Ashcroft did lower ceiling heights slightly to try to lower the overall height of the building while maintaining their desired number of stories. Interestingly, Ashcroft has used the view of the convent as a selling feature of its property at 101 Richmond Road. This can be seen by checking out their promotional video at <http://www.101richmond.ca/video.htm>.

**111 Richmond Road** – This building is also being developed by Ashcroft. While 111 Richmond Road is not under review, this building is eight stories whereas the CDP recommended a six story limit for this site given its greater depth. The SP, however, was not in place when the development was approved. When the developer first brought this property forward for approval it was designed to be a seniors building. With the lower height of the ceiling, if the building had been limited to seven stories it would have been comparable in height to 101 Richmond Road. Ashcroft, however, argued that given the economics of a seniors' residence, they needed the extra floor to accommodate the common care facilities needed in a seniors' home and still allow them six floors of leasable space. After getting approval for this higher building, they then changed the plan to build a condominium instead while keeping the higher number of floors.

**Secondary Plan** – The SP for Richmond Road rose out of the CDP. Similar to the CDP, the SP breaks down the areas into specific sectors and in some cases, specific properties. Most notably is the Convent Site. In recognizing the unique historic nature of this site and the role that it has played in the Westboro community for over 150 years

(with the last 100 years as a convent), specific attention was paid to this site. Residents were also most concerned about the future of this site and agreed with the wording in the SP. The sector in which the convent and HICG are located is Sector Six.

The CDP received official SP status in 2008. The specific clauses dealing with height along Richmond Road in Sector Six and handling of the convent site are:

*Maintain maximum building heights at a maximum four storeys where lots are less than 45 metres in depth and back onto low-rise residential areas, and generally up to six storeys on lots of greater depth*

*Consider rezoning the Soeurs de la Visitation convent to TM-Traditional Mainstreet for mixed-use development should redevelopment be proposed. Given the lot size, higher building heights may be possible, provided that: redevelopment is compatible with, and provides an appropriate transition to, the adjacent low-rise residential neighbourhood; the convent wall is removed; and, adaptive reuse of the convent building, with mixed-use residential/ground floor commercial along Richmond Road, incorporating as much of the existing green space as possible, is proposed. As part of a redevelopment application, the southern part of the property should be rezoned to a maximum four storey residential zone in order to be compatible with the adjacent low-rise residential area;<sup>5</sup>*

## **CONSULTATIVE PROCESS**

**Consultation Process** – Ashcroft held four meetings with the public to discuss their proposed development. The first two meetings were only with the residents of the immediately adjoining streets to the Convent site; Leighton Terrace, Byron Avenue and Shannon Street. The Councillor’s office also attended the meeting. The only representatives of HICG that were invited were those who lived on one of these three streets.

At the first meeting in November 2009, which was attended by approximately 70 people, Ashcroft presented some of its preliminary thoughts for the site and then had the attendees break off into focus groups. The focus groups discussed their concerns and issues with the site. The comments from these groups dealt with the following topics

- Site Access – There was concern with all three options of secondary site access onto either Leighton Terrace, Shannon Street or through the Byron Tramway Park onto Byron Avenue.

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<sup>5</sup> Richmond Road/Westboro Secondary Plan, <http://ottawa.ca/calendar/ottawa/citycouncil/occ/2008/11-26/pec/ACS2008-ICS-PLA-0228-Document2.pdf>, Page 54-55

- Shadowing – Residents of Leighton Terrace were particularly concerned with shadowing and privacy.
- Drainage – It was noted that the back portion of the property was low lying with a possible underground stream and that there was concern regarding run-off onto Leighton Terrace residents.
- Local Parking and Traffic – Concern regarding guests to the site using local residential roads as access streets as well as on-street parking due to limited or pay parking on the site.
- Leighton Terrace Fence – There is currently a high metal fence separating the convent from the backyards of Leighton Terrace. Most of the residents seemed to want to retain this fence.
- Building Heights and Density – There was concern as the scale and density of the proposed development.
- Convent Visibility – Residents wanted to see the convent open to the public once the fences came down (except for the one along Leighton Terrace).
- Convent – People wanted to know as to how the convent would be adapted.

Ashcroft took extensive notes from the meeting. The second meeting in January 2010 was also with the residents of the same three streets. Approximately 50 people attended this meeting. At this second meeting, Ashcroft presented its conceptual designs based on the results of the first meeting. While Ashcroft indicated that they were looking at higher buildings along Richmond Road and to the west of the Convent building and lower buildings along the south side of the property, they claimed that they did not know the building heights they were considering or the number of units being considered. At this meeting there was significant concern raised with respect to heights and density and Ashcroft's inability to provide sufficient details.

In early February 2010, Ashcroft held its first community wide meeting. Approximately 200 people attended. Ashcroft made the same presentation as it had in January 2010 and still could not definitively comment on the heights and densities being considered. There was significant concern raised at this meeting by the public. Comments were particularly focused around heights, density, local traffic and parking, loss of park land along Byron Avenue to accommodate an access road and the need to open the site visibly to the public. Almost everyone, however, recognized the need for intensification. Ashcroft also announced that their next meeting was going to be in early March 2010 at which time definitive plans would be unveiled and that they were planning to submit their rezoning application within 2 weeks thereafter. It was commented that two weeks did not provide adequate time to truly consult with the community from the time definitive plans were unveiled. This comment was repeated at the meeting in early March but Ashcroft indicated that nothing more would be gained by further consultation and that plans were going to be submitted by mid-March.

Ashcroft's last public meeting was on March 10, 2010 at which time the actual plans were presented. The mood in the room was largely hostile with many people noting that the Secondary Plan, while allowing for intensification, did not nearly allow for the level being proposed by Ashcroft.

**Heritage Designation Process** – Subsequent to the March 10 public meeting, the City's Heritage Advisory Committee met to discuss giving heritage designation to the Convent. The community groups, including HICG, and residents that testified at the subsequent meeting with the Planning and Environmental Committee all indicated their desire to see the entire site given heritage designation and spoke to how the cloistered grounds were an integral part of the heritage of the Convent. It was also noted that the convent had always been visible to the community from several angles but had lately become obscured due to tree growth along the Byron Tramway Park. It was recognized by the public that heritage designation for the site would not stop development on the site but would force the developer to be more respectful of the site and site lines of the convent.

#### **PROPOSED DEVELOPMENT OF 114 RICHMOND ROAD**

It is with this backdrop that HICG has significant concern with the level of development being proposed by Ashcroft and its impact on both the immediate neighbourhood and the wider Westboro/West Wellington Area. We also note that HICG has received a significant amount of correspondence from area residents, mainly opposed to several aspects of this proposed development. These comments and letters were submitted directly to the City's Planning Department, but HICG can provide copies if requested. We supplied a full package of letters as well as this submission to the Peer Review Panel.

Based on meetings with Ashcroft and Ashcroft's application as filed with City Hall, the following are the specific comments and concerns that HICG has with respect to the proposed development at 114 Richmond Road.

**Heritage Designation** – To date, the community is pleased with the discussions it has had with Ashcroft regarding the adaptive use of the convent, but does not consider their required preservation of the convent building as sufficient tradeoff for inappropriate density and massing.

The Heritage Statement, prepared for Ashcroft by the Venton Group, deals primarily with the convent building and not with the building's relationship to the convent property and the surrounding neighbourhood. The document notes that the convent will

be preserved and adapted to new uses but does not speak to the heritage designation of the entire property.

Nevertheless the Heritage Statement notes that it has concerns with

*Height, massing and scale around heritage sensitive areas especially the cloister garden, the chapel and the house. Building setbacks at the above sensitive areas could have negative impacts if they are insufficient*<sup>6</sup>

These are some of the very concerns that the Community has with respect to the development and its treatment of the site's heritage. In addition, there is no recognition of heritage value of the property, the relationship of the land to the convent and the site lines of the convent building from outside of the property. The community is strongly supportive that the entire site received heritage designation but believes that this development makes not allowances for this have heritage designation.

At numerous meetings, the developer has argued that the convent building was not visible from the street due to the high fence around the property. The photo below (provide by the City in its Heritage report) shows the convent view from Richmond Road. While the convent would not be visible if you were standing on the south side of Richmond Road next to the Convent fence, the top of the convent is clearly visible from the opposite side of the street

The convent has also been traditionally visible from the Byron side of the property if you are standing on Byron. Over the years, with the growth of trees along the Byron Tramway Park, this visibility has been restricted, but this is due to tree growth, not because of a wall. With the scale and height of the proposed development all visibility of the Convent building from the north and south



<sup>6</sup> Venton Group, Interim Cultural Heritage Impact Statement – Zoning Component - Les Soeurs de la Visitation 114 Richmond Road, Ottawa, ,April 9, 2010, Page 7

boundaries will be lost. As noted, earlier in this report, Ashcroft had in fact used the view of the site from the north side of Richmond Road as a selling feature for 101 Richmond Road.

With the addition of an eight to ten storey building just south and abutting the Convent building, site lines of the back of the convent and the quadrant garden will be completely lost to the public or even the residents of the rear building on the property. In fact, depending on how the Convent building is developed, this space may not even be accessible to the general public. The historic contemplative garden in the centre of the convent (whose heritage designation Ashcroft is not disputing) will be almost always be in continuous shade, greatly lessening its commercial and other uses. While there is currently a wall on the south side of the quadrant garden (which will be coming down due to its non-historic nature), the south side of the Convent will be walled off completely by the eight story building being proposed for this location.



The community is fully supportive of the entire site receiving heritage designation. As a cloistered order, the convent land was the entire world to the residents of the Sisters. To claim that the land was not critical to their life and the social history of the site is inappropriate. In fact, in late-May 2010, the convent held a garage sale. Not only was public access to the back gardens completely blocked, but there was even an attempt to block the gate to this garden so that people could not look through. This speaks to the importance of the land to the building. Much of the history of the site has been noted by members of the City's Heritage Advisory Board.



There are certain historic trees on the site, which Ashcroft is proposing to cut down. In particular there is an extremely large willow tree on the south side of the property (seen just on the centre right side of this picture). This tree is one of the few willow trees in the Westboro areas and probably one of the oldest and largest. The Community would hope that this tree could be

preserved and worked into the landscaping for the senior residences. It would likely add much to the enjoyment of their new homes and would be more beneficial than new trees that would take decades to mature. While all attempts should be made to save as many mature trees as possible, the willow is truly an exceptional tree.

To date there has been little information provided with respect to the building materials and style of architecture that will be used on the site. Ashcroft drawings show a contemporary design with hard angles. Without further details it is not possible at this time to judge as to how appropriate this design will be to the Convent building. While new development does not have to mirror existing historic buildings to blend in, Ashcroft has provided no information as to how their proposed built form respects the historic and architectural characteristics of the Convent. In fact, except for the eastern edge of the Convent building, most of the proposed buildings appear to completely wall off the Convent.

**Environmental Sustainability** – Ashcroft has indicated that it will not be seeking LEED certification for this development. The LEED process can be costly and time consuming but it does provide the “good housekeeping seal of approval”. Nevertheless, a development can meet LEED requirements and still chose to not have LEED certification.

While Ashcroft may be undertaking many initiatives which would be eligible for LEED credits, it is also taking a number of measures that go against LEED principals. These include:

- The takeover of public parkland as an site access road
- Limited open space on the site with most being used primarily to connect buildings
- A level of density vastly higher than the adjoining neighbourhood
- Traffic and parking impact on neighbourhood streets due to inadequate site parking
- Likely increased storm water run-off due to high site coverage

**Building Density** – Ashcroft is proposing 688 residential units for the site. Based on their submitted drawings, Ashcroft is leaving very little open space on their site. The remaining open spaces are primarily just to facilitate onsite movement through the property both by residents and people walking through the site. This level of density has only been achieved by having all the parking underground.

Much of the green space along the eastern perimeter of the site that is shown on Ashcroft’s drawings is really the private backyards of Leighton Terrace residences. Ashcroft has indicated publicly that they hoped that they could take down the wall on the east side of the site. This mild misrepresentation of private land as being part of the

convent property will likely help to insure that the neighbours want the wall to stay. The community group, considers the retention or replacement of the wall to be a matter between Ashcroft and each of the individual residents along the western side of Leighton Terrace.



The convent site is approximately 5.5 hectares. Ashcroft will be building approximately 700 residential units on the site. While the Community is in favour of intensification, this level of intensification is too high for the area and greatly exceeds the targets established in the Secondary Plan. It has been noted that with the level of development already occurring in Westboro, the area has already achieved its intensification targets for 2020 and with this development we will meet our 2030 targets. This 20 year acceleration of intensification with no time to provide the required infrastructure and to develop methods to improve the modal split (and to test that the modal split is indeed improving) means that the neighbourhood cannot accommodate such a high level of development.

The former Minister for Municipal Affairs, Jim Watson, introduced a clause in Ottawa's new Official Plan (OP) that states that the need for intensification cannot be used as an argument to over intensify a neighbourhood, if the OP or secondary plan already allows for a level of intensification in that neighbourhood.

The Secondary Plan, passed in 2008, indicated that the Richmond Road area had 5260 dwellings, 8910 people and a gross density of between 15 and 195 units/ha.<sup>7</sup> The

<sup>7</sup> Richmond Road/Westboro Secondary Plan, <http://ottawa.ca/calendar/ottawa/citycouncil/occ/2008/11-26/pec/ACS2008-ICS-PLA-0228-Document2.pdf>, Page 26

proposed development alone would add approximately 13% new residents to the community and 10% more people (based on 1.3 people per dwelling unit). With the buildings being developed on approximately 2 hectares of land, this is a density of almost 350 units/ha. Even if you factor in the land on which the convent sits, the density will be approximately 300 units/ha. All this development is being done in conjunction with a further 250 to 300 units at 101 and 111 Richmond Road. As such, the level of density being proposed for this site vastly exceeds the densest areas of Westboro and is more comparable to densities in the City core.

While approval of this proposed development will result in Westboro meeting its 2030 intensification targets, there are several more sites along Westboro's main streets that could be up for redevelopment in the coming years. These include; Richmond Road, Scott Street, the Westboro transitway lands and Churchill Avenue. Should there be development proposals along any of these streets over the coming years (which are highly likely) and should the proposals meet the current zoning without any need for rezoning or minor variances, the City will have no choice but to approve these developments or risk court challenges. If the City approves further developments, it will exacerbate the most negative impacts of intensification. If it turns down future applications because 2030 targets have been already met, it risks court challenges and it has effectively handed over "special" development rights to allow one developer to build at a density above the SP and at the expense of all other developers.

In the immediate neighbourhood, we have recently seen the development of St. Georges' Yard, a development on land at Piccadilly Avenue (north of Byron Avenue) that was sold by St. Georges' Church. This property, which is surrounded by single family homes (similar to the Convent site) is being developed with a mix of single family homes, semi-detached residences and townhouses. When Loblaws was seeking approval for their Superstore, the Community was told that the zoning allowed for townhouses to be built on the south side of that property and that Loblaws was planning to build 23 townhouses (these were never built, however). Both these properties front onto the Byron Tramway Park. When drafting the community design plan, while the community indicated the possibilities of four story buildings along Byron, it was anticipating stacked townhouses might be built, consistent with other neighbourhood developments and not a large residential facility rising from four to eight stories.

For intensification to be successful over time, it should be done slowly with sufficient feedback mechanisms to insure that City infrastructure is able to handle the impact of the new units. As new units come on line, infrastructure upgrades, including transportation changes. If the infrastructure has been proven to accommodate the new growth, more growth can proceed. With the proposed development in its current form, the City will immediately meet its 2030 intensification targets with no chance to see if the infrastructure is working. The City will be in the position of having to play catch-up

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but with intensification having a 20-year head start, the City and residents of Westboro and Hampton Iona are likely to lose this game.

**Building Height** – The secondary plan indicates that in Sector 6, properties less than 45 metres in depth can be built to four stories and that for properties with deep lots, a height of “generally up to six storeys” can be considered. The specific clause dealing with the Convent site did not specify a height for building along Richmond Road because it was believed that the preceding clause was sufficient. Ashcroft is proposing up to 12 stories along Richmond Road. There is no justification for this height; it exceeds by four stories and six stories respectively other Ashcroft buildings along Richmond Road, it is not consistent with any neighbouring buildings and will serve to create a canyon and wind tunnel along Richmond Road when considered in the context of the buildings at 101 and 111 Richmond Road.

Ashcroft has argued that they are providing so much open space on the Convent site that they should be allowed higher heights where they are building. A review of the aerial schematics of the site show that there is very little open public space and much of the space is internal roads, both vehicular and pedestrian. Drawings in their submission of happy picnickers, would actually have the picnickers located at Hilson Public School and looking back at 114 Richmond Road.

Not only is the height inappropriate with the neighbourhood and not in keeping with a non-gateway site, but the building will completely block any views of the convent from Richmond Road. Given the depth of the building, even someone standing in front of the archway would see little of the Convent.

During the development of the CDP, Ted Fobert of FoTenn was presenting at the PAC for a building proposal he was representing at 747 Richmond Road. He was applying for a height of approximately 19 stories. There was no residential community behind that building. Mr. Fobert, however, indicated that if there had been a residential community behind the building that four to six stories would be in line with traditional mainstreets.<sup>8</sup>

The middle building behind the convent is proposed to rise from three stories on the east side (behind Leighton Terrace) to ten stories on the west, with much of the building at eight stories. Nowhere in the transition from six stories along Richmond Road to four stories along Byron, did the writers of the CDP ever envision that this would allow up to ten stories in the middle of the site. The Hilson School Parents Board has expressed concern regarding this development and the impact on the school as the ten storey building will border the play area of their school and of a co-located daycare centre. Their letter is included in Annex 1 along with other letters from the Community.

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<sup>8</sup> Richmond Road/Westboro CDP PAC Meeting #7 Minutes - August 2/2006

The building along Byron Avenue is proposed to rise from three to four to eight stories on the west side. While three to four stories was envisioned in the Secondary Plan, a rise up to 8 stories was not included. This higher portion of the building also borders the play area of Hilson Public School.

Ashcroft had initially indicated that they planned on including a hotel on the site in the building abutting the Convent. They have subsequently decided that this building will be strictly condominiums. A hotel on the site would introduce several problems including different traffic patterns and volumes, a greater need for service vehicles and impacts on the school. Nevertheless, mixed-use zoning allows for hotels. There is nothing to stop Ashcroft from changing their minds and put the hotel back into their plans if they determine that the economics are favourable. We have already seen Ashcroft gain a higher height approval for 111 Richmond Road on the basis that it would be senior residence and then develop the site, with the same height, as a condominium. In order to prevent this from happening, perhaps if a building in the middle goes ahead, it should be zoned residential rather than mixed use.

**Financial Implications** – Ashcroft has also argued that given the price they paid for the property, they need this level of density to justify the cost. As Ashcroft is privately held, we will never know if this is really true. In any case, economic arguments are not part of the planning process. Ashcroft bid for the land in an open competition. They Secondary Plan had been passed so they knew what density and heights were allowed on the site and they knew that the convent building would have historic designation. They should also have been intimately knowledgeable about the soil and bedrock conditions given their ownership of the properties at 101 and 111 Richmond Road and how this would impact on the cost of underground parking and building footings.

Ashcroft was, as were all bidders, presented with a detailed fact sheet from the City prior to the bidding process, which outlined the City's height, density and building placement expectations for the site based on the SP, the expected zoning under the SP and the planned-for heritage designation of the property. Even though the City clearly indicated their expectations (even if the zoning was not fully in place), Ashcroft has chosen to ignore much of this. Again, the City is under no obligation to provide zoning outside of the SP to allow for Ashcroft to recoup its investment. In our rules-based market economy, the role of government is not to subsidize private developers at the expense of the public or the rest of the development community.

In the case of 111 Richmond Road, Ashcroft successfully made an economic argument to get an extra story on their seniors' residence. While this should have been irrelevant, they were able to get approval. The building was ultimately turned into a condo but the extra floor was retained. This also speaks to why economic arguments can be inappropriate reasons for approving excessive development.

**Traffic Impacts** – Traffic impacts are a significant concern for the surrounding community. While the CDP noted the anticipated failure of the Richmond Road/Island Park intersection, the traffic impacts on the streets south of the proposed development, particularly Byron Avenue, Kensington Avenue and Brennan Street have raised concern from many residents. There are several specific concerns with the accuracy of the traffic study.

**Traffic Count** - The Delcan study indicates that they took traffic counts in March 2010. A Delcan employee was observed (by a HICG resident) counting cars at 8:30 am at the corner of Byron and Brennan on March 15, the first day of March Break. As many people are on vacation that week, traffic is significantly lower than it is on a normal weekday. As well, there are four neighbourhood schools adjacent to Byron Avenue, Hilson Public School, Elmdale Public School, Churchill Alternative School and Fisher Park School. Traffic along Byron (and the adjoining streets) is substantially lower in the morning rush hour when these schools are not in session. As such, the existing traffic counts prepared by Delcan are very suspect. That being said, the Delcan study indicates that the Byron/Brennan count was done on March 23, 2010.<sup>9</sup> It must be investigated as to whether Delcan really redid this count or whether the wrong date made it into their report. As well, the Delcan report indicated that the traffic count at Byron and Hilson was done on March 12.<sup>10</sup> This was the Friday before March break and may have been subject to lower than normal student attendance as some people pull their children out of school and take their holidays early. If the existing traffic was undercounted in the study, the negative impact of the incremental traffic would be far less.

**Intersection Operation** - Delcan's Table 3 which outlines the Intersection Operations uses a methodology (volume to capacity) that Delcan notes in Table 2 is for signalized intersections. Several of the intersections listed in this table are not signalized so the information for those intersections may have little meaning. Delcan did not look at the intersections at Iona and Island Park and Iona and Kirkwood. Should there be an increase in cut-through traffic on Brennan, Kensington and Hilson, this traffic will end up on Iona and will either have to go either east to Island Park or west to Kirkwood. Neither of these intersections are signalized and crossing these intersections is already very difficult during rush hours. As well, both intersections are widely used as

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<sup>9</sup> Delcan Report, 114 Richmond Road Community Transportation and Traffic Impact Study, Page 46

<sup>10</sup> Delcan Report, 114 Richmond Road Community Transportation and Traffic Impact Study, Page 47

pedestrian and bicycle crossings to the neighbourhood schools. The traffic impacts on these intersections needs to be determined.

**Trip Generation** – Delcan has assumed that 65% of trips generated during peak hours will be by car given the availability of transit in the area. In the traffic study done in conjunction with the CDP, it was determined that the share of automobile trips in the neighbourhood was currently significantly higher. To date, there have been no measures taken by the City to decrease automobile use in Westboro. As such, Delcan should not be assuming that only 65% of trips will be by automobile for the proposed development when this is not the current case for the neighbourhood.

**North/South Split** – Delcan has indicated that the trip generation from the seniors housing will be much less than from the condominiums and retail establishments. Delcan has indicated that at rush hour there will be approximately 200 vehicles/hour from the north garage and 100 vehicles/hour from the south garage. Since the North garage is servicing the 430 condominiums and retail operations and the south garage is servicing the 258 senior residents, the lower traffic from the south garage appears to be strictly a function of fewer residential units not of fewer trips per residential unit.

**On-Street Parking** – The Delcan study indicates that approximately 600 parking spots are being contemplated for the site<sup>11</sup>. With 688 residential units proposed, 10,000 ft<sup>2</sup> of retail, 59,000 ft<sup>2</sup> of office space and 50,000 ft<sup>2</sup> for communal use, 600 parking spots are likely to be grossly inadequate. While not all seniors own cars, Ashcroft is proposing to build a seniors residence, not a nursing home. As such, many seniors will still own cars and if they do, they will probably want to use them. Even if they don't use them often, they will still need to park their cars. Thusly 600 parking spots does not even provide 1 parking spot per unit nor will there be sufficient parking for all of the commercial uses and visitors to the site.

While we support efforts to get people out of their cars, the reality is still that most people own cars and will continue to do so. A well located site may encourage residents to use transit from time to time, but it is less likely to encourage someone to give up their car, particularly if they have owned it all of their life (and are still licensed). If underground parking is insufficient for the site, it is inevitable, that guests will seek parking on the adjoining side streets. The closest neighbouring streets are all quiet residential streets with only a limited amount of on-street parking. Over the past 5 years there has been an explosion of young families moving into the area. The increase in local traffic and on-street parking is not compatible with the nature of the community and raises safety concerns.

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<sup>11</sup> Delcan Report, 114 Richmond Road Community Transportation and Traffic Impact Study, Page 4

**Site Access** – Given the level of development being proposed for the site, Ashcroft is proposing to build an access road through the Byron Tramway Park. Not only will this southerly access result in drive-through traffic and parking issues on the adjoining streets, but it will require that public parkland be used as a street to a private development. The Byron Tramway Park is extremely well used and many people are opposed to parkland being lost to such a use. While Ashcroft is not seeking LEED status for their development, the destruction of public parkland for cars is very problematic for a development claiming to meet sustainability standards.

There are also concerns with respect to safety along the Tramway Park. While there are several streets that cross the Tramway Park, they are normal quiet residential streets with long sightlines. As such, oncoming traffic is easily visible for a length of time that allows pedestrians and cyclists to react appropriately. The driveway out of the proposed development is likely to be short and the cars will be coming up a ramp out of the underground parking. As such, it could be very hard to spot traffic coming out of the site with little time to react. Delcan has noted that two way traffic from the South garage will be 100 to 150 vehicles per hour. These vehicles will be crossing a path well used by pedestrians and cyclists. In particular, this pathway is a key walking route to Hilson Public School. The time at which the path has the highest usage (going to school in the morning) is also the time that the greatest number of cars will be leaving the site.

Ashcroft and Delcan expressed concern as to how these vehicles would impact on pedestrians and cyclists if the access were to be on Shannon Street but have not noted any problems that the same pedestrians and cyclists would have with the access being through the Park.

As well, morning east bound traffic on Byron Avenue is often backed up from Island Park Drive to Kensington Avenue. With traffic backed up on Byron and continuous traffic also going westbound, left turns out of the site onto Byron Avenue will be very difficult and traffic will back up on this south access Road. This backed-up traffic will interfere with pedestrian and bicycle traffic on the Byron Tramway Park and could result in safety problems.

## **RECOMMENDATIONS**

Based on the above, HICG has the following recommendations:

### **Heritage**

1. The heritage designation granted to the entire site is appropriate and should be maintained by the City.
2. The site lines of the convent building from Richmond Road and Byron Avenue need to be opened up to allow the community to continue to share in

this historic building and have views of it. For Richmond Road, this means lower heights and an appropriate break in the built form. The CDP spoke of a plaza on Richmond Road in front of the convent, not behind a residential building. This was reiterated in the document that the City provided to all companies bidding on the property in September 2009. This approach should be seriously considered.

3. Key mature trees, particularly the large willow tree at the south west corner of the property should be saved and incorporated into the landscaping.

### **Density and Intensification**

1. The proposed density and subsequent intensification from the site is far too high and will put a strain on the City's infrastructure. By scaling back the heights of buildings to the levels stated in the Secondary plan, the densities will drop significantly. A lower number of units built may also eliminate the stated requirement of a vehicular exit to Byron.
2. The adaptive use of the Convent is not a reason to allow for an unacceptable level of intensification. The requirement to maintain the convent was known at the time of bidding and bidders should have determined their purchase price accordingly.
3. The site should be zoned in a way to prohibit Ashcroft from changing building uses after it receives its rezoning. In particular, mixed use zoning should not be used to allow a hotel on the site without a separate detailed review and approval process of that specific use.

### **Building Heights**

1. The proposed building heights are unacceptable. The maximum height along Richmond Road should reflect the Secondary Plan and surrounding buildings.
2. The buildings along Bryon Avenue and Leighton Terrace should be no more than three to four stories as set out in the Secondary Plan.
3. Internal buildings, to the south of the Convent, should also be three to four stories, not eight to ten stories.

### **Parking and Traffic**

1. Ideally, the scale of the development should be scaled back so that only access through Richmond Road is required. Secondary vehicular access would be through the proposed arch.
2. The North and South garages should not be linked underground to prevent drive-through traffic infiltrating the residential neighbourhood to the south of the site.
3. The South garage will be only accessible from the senior's building with no access to the commercial uses or condominiums.

4. There be sufficient underground, free parking for guests, residents and staff in the South garage to service the seniors' residence.
5. Traffic studies need to be repeated in a more appropriate manner. This includes:
  - a. Measuring traffic at all intersections on a typical school day
  - b. Apply the appropriate methodology for determining the functioning of non-signalized intersections.
  - c. Reviewing the intersections at Iona Street & Island Park Avenue and Iona Street and Kirkwood Avenue
  - d. Ashcroft should pay for any traffic mitigation steps required as a result of the traffic on a cost sharing basis with the City.
6. In consultation with the adjoining streets, the City will need to review on-street parking regulations on a street by street basis and be prepared to enforce any regulations/restrictions that result.