

Subject: Zoning By-law Amendment – 3430 Carling Avenue

File Number: ACS2023-PRE-PS-0104

Report to Planning and Housing Committee on 6 September 2023

and Council 13 September 2023

**Submitted on August 24, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Bay (7)

Objet : Modification du Règlement de zonage – 3430, avenue Carling

Dossier : ACS2023-PRE-PS-0104

Rapport au Comité de la planification et du logement

le 6 septembre 2023

et au Conseil le 13 septembre 2023

**Soumis le 24 août 2023 par Derrick Moodie, Directeur, Services de la planification,
Direction générale de la planification, des biens immobiliers et du développement
économique**

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REPORT RECOMMENDATIONS

1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3430 Carling Avenue, as shown in Document 1, to permit two six-storey residential buildings, as detailed in Document 2.
2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of September 13, 2023” subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de la planification et du logement recommande au Conseil d’approuver une modification du *Règlement de zonage* (n° 2008-250) pour la propriété située au 3430, avenue Carling, comme le montre le document 1, en vue de permettre l’aménagement de deux immeubles d’habitation de six étages, comme l’explique en détail le document 2;
2. Que le Comité de la planification et du logement donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d'explication’ aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 13 septembre 2023 », sous réserve des observations reçues entre le moment de la publication du présent rapport et la date à laquelle le Conseil rendra sa décision.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

3430 Carling Avenue

Owner

3430 Carling Property Inc. (under agreement of purchase and sale)

Applicant

Fotenn Consultants Inc.

Description of site and surroundings

The subject lands are a 0.62-hectare property located on the south side of Carling Avenue. The site is currently occupied by a one-storey commercial building and a large parking lot.

Surrounding land uses include:

- Single-family homes to the north and south;
- Low-rise apartments, which are zoned Residential Fifth Density Subzone A with heights up to 34 metres (R5A H(34)), to the west; and
- A gas station and a restaurant, beyond which is zoned Residential Fifth Density Subzone A with heights up to 34 metres (R5A H(34)) and developed with residential low-rise apartments, to the east.

Summary of proposed development

In August of 2021, a proposal was submitted for the development of two nine-storey residential buildings on the property with heights up to 28.5 metres. As a result of public and technical feedback, in December 2022 the applicant submitted a revised proposal reducing the height of the buildings to six storeys.

The resulting proposed development is two six-storey apartment buildings with a combined unit count of 186 units. The unit types and sizes will range between one-bedroom to two-bedroom plus den units.

There will be 247 resident parking spaces, 37 visitor parking spaces, and 96 bicycle parking spaces. The site will be accessed from Carling Avenue by a drive aisle between the two buildings. The driveway leads to visitor parking at the rear of the buildings and resident parking in the underground garage.

Summary of requested Zoning By-law amendment

The subject site is currently zoned General Mixed Use, Subzone 20, with exception 2628 and a height limit of 18.5 metres (GM20[2628]H(18.5)).

The requested Zoning By-law amendments are for performance standards; the land use is otherwise permitted. As described in Document 2, the proposal will result in several Zoning By-law amendments. The applicant has requested relief as follows for the proposed development:

- Increase height at the front of the property from 18.5 metres to 20.5 metres and limited to six storeys.
- Increase the Floor Space Index (FSI) permitted from 2 to 2.1
- Reduce the required setback along Carling Avenue from 3 metres to 1.5 metres
- Reduce the required landscaped buffer along Carling Avenue from 3 metres to 1.5 metres
- Reduce the minimum separation distance between a building and a private way from 1.8 metres to 1.5 metres

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Comments were received from 50 residents during the application review process. A community meeting was held virtually by the Ward 7 Councillor's office on September 12, 2021 and was attended by approximately 30 residents. Concerns were raised about the height of the proposed building, lack of commercial space and amenities, privacy impacts adjacent to existing homes, noise and construction, traffic, concern with reduction of the Carling Avenue right-of-way.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation

The subject lands are designated as Neighbourhood in the Outer Urban Transect (Schedule A). Within Neighbourhoods, the development is to be characterized as low-to mid-density, low-rise development to create the conditions for 15-minute neighbourhoods.

Planning rationale

This application has been reviewed under the Official Plan approved by the Province on November 4, 2022.

The Official Plan increases the share of future growth within existing built-up areas to avoid or delay expansions to the urban boundary. This is supported by policies which increase the variety of housing options within existing neighbourhoods and promote the evolution to 15-minute neighbourhoods (Policy 2.2.1.i). Neighbourhoods located in the Outer Urban area shall accommodate residential growth and implement development standards that transition away from a suburban model and move towards urban built forms (5.3.1 and 5.3.4). Neighbourhoods shall be predominantly low-rise; however, higher heights are permitted in areas characterized by taller buildings (6.3.1.2).

The proposal conforms with the Official Plan by providing a mid-rise built form in an area characterized by permissions for mid- and high-rise buildings. In this case, the existing zoning on the property allows for a building height of 18.5 metres, and therefore the mid-rise height is consistent with the policy framework for consideration of taller buildings (greater than four storeys). Additionally, the site is immediately situated between properties to the west and east with a height permission of 34 metres. Staff are satisfied that the proposed six-storey buildings are consistent with the neighbourhood designation given the existing zoning on site and immediate site context.

Urban Design

Section 4.6 of the Official Plan sets out urban design guidance with the intent of achieving design excellence and innovation, while also being sensitive to the integration of new developments within existing neighbourhoods. These policies seek to minimize impacts on neighbouring properties and on the public realm. The proposal conforms to the transition policies in the Official Plan, the proposed two metre increase in height is located away from the homes on Elterwater Avenue to ensure that an appropriate transition is provided. The proposed development responds appropriately to policy 4.6.6.7 which provides direction to mid-rise buildings by creating a built form that frames the street and is proportionate to the right-of-way, includes a base with landscaping and active frontages and provides appropriate space for tree planting.

Zoning By-law

- Increase height at the front of the property from 18.5 metres to 20.5 metres and limit to six storeys.

The change in building height is minor in nature, and is not seeking additional storeys. The two-metre increase in height is proposed at 10.5 metres from the

rear property line to ensure an appropriate transition is provided to the homes to the rear.

- Increase the Floor Space Index (FSI) permitted from 2 to 2.1

The proposed increase in FSI is minor in nature.

- Reduce the required setback along Carling from 3 metres to 1.5 metres

The reduced setback is being recognized to accommodate the resulting setback due to the conveyance of additional Carling Avenue Road right-of-way. Prior to this conveyance, which will be a condition of Site Plan approval, the 3.0 metre setback is being met.

- Reduce the required landscaped buffer along Carling from 3 metres to 1.5 metres

As above, the reduced landscape buffer is required to formalize the setback due to the conveyance of additional Carling Avenue Road right-of-way. The proposed building includes planters to appropriately frame the street and the setback maintains the ability to plant street trees within the widened Carling Avenue right-of-way.

- Reduce the minimum separation distance between a building and a private way from 1.8 metres to 1.5 metres

The proposed decrease is minor in nature and still allows for appropriate landscaping and walkways to be provided between the building and a parking space or driveway.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications to this report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillor is aware of the application related to this report.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications resulting from this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- A city that has affordable housing and is more liveable for all
- A city that is green and resilient

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0082) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the significant revision to the proposal.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Details of Recommended Zoning

Document 3 Consultation Details

CONCLUSION

The proposed development introduces intensification in a manner which conforms to the Official Plan. The development fits within the existing and planned context and is a compatible use. The Zoning By-law Amendment is recommended for approval.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

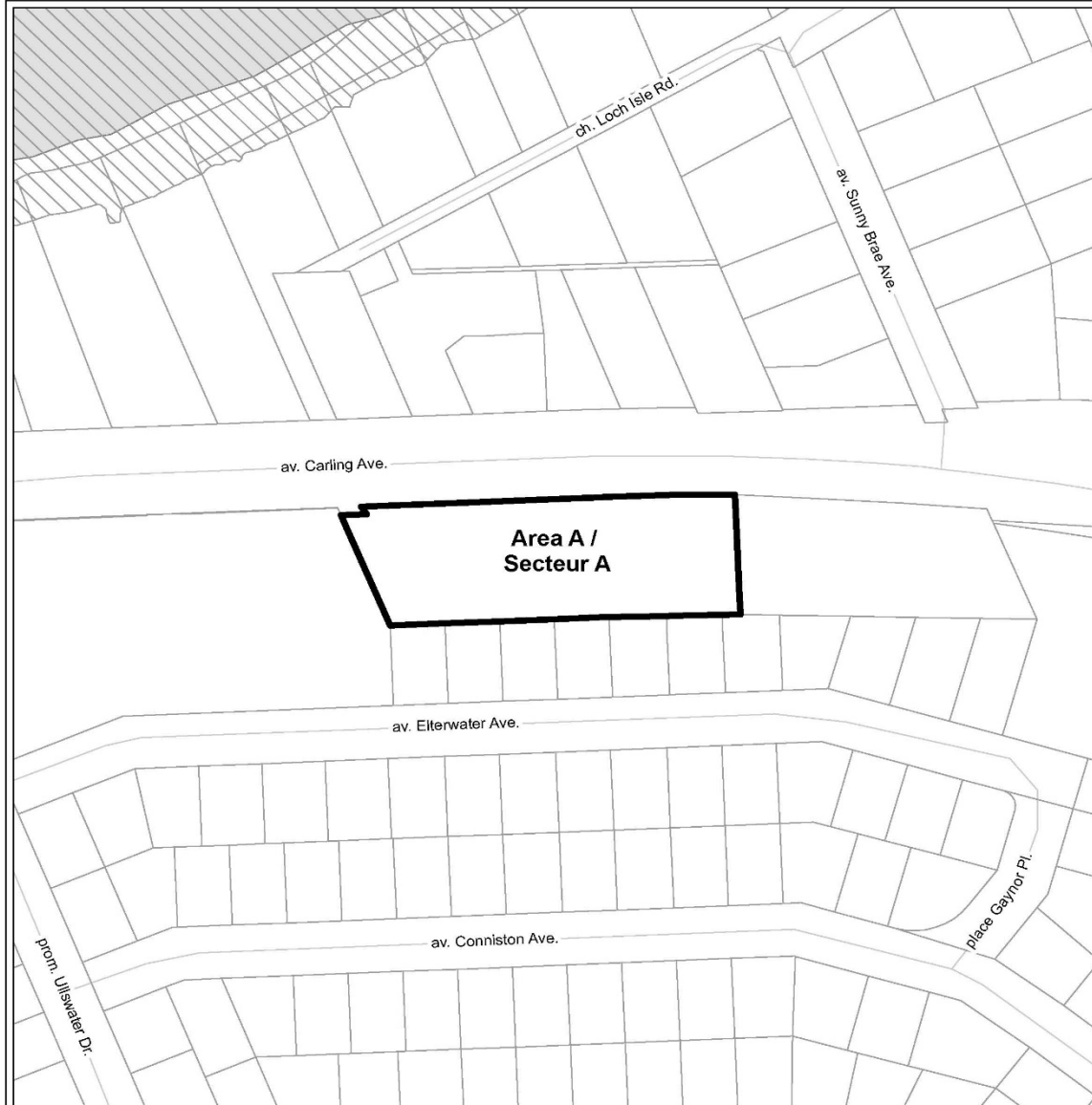
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0082	23-0743-X	3430 avenue Carling Avenue	
I:\CO\2023\Zoning\Carling_3430		 Area A to be rezoned from GM20[2628] H(18.5) to GM20[2628] Le zonage du secteur A sera modifié de GM20[2628] H(18.5) à GM20[2628]	
<small>©Parcel data is owned by Terranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>		 Existing Flood Plain (Section 58) / Plaine inondable (Article 58)	
<small>©Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CE CI N'EST PAS UN PLAN D'ARPENTAGE</small>			
REVISION / RÉVISION - 2023 / 08 / 10		 NOT TO SCALE	

Document 1 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3430 Carling Avenue

1. Rezone the site from GM20[2628] H(18.5) to GM20[2628], as shown in Document 1.
2. Amend Section 239, Urban Exceptions, by amending exception 2628 with provisions similar in effect as follows:
 - a. In Column II, remove GM20[2628] H(18.5) and replace with GM20[2628]
 - b. In Column II, remove “parking lot”
 - c. In Column V, remove the text “a parking lot...” and include provisions similar in effect to the following:
 - i. The following maximum building heights apply
 1. In any area up to and including 10.5 metres from a R1 zone: 18.5 metres
 2. In any area outside of the area identified in 1 above: 20.5 metres and limited to a maximum of six-storeys.
 - ii. Maximum FSI: 2.1
 - iii. Minimum required front yard setback: 1.5 metres
 - iv. Minimum required landscaped area abutting a street: 1.5 metres
 - v. Minimum setback for any wall of a residential use building to a private way or drive aisle: 1.5 metres

Document 3 – Consultation Details

Notification and Consultation Process

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications.

Comments were received from 50 residents during the application review process. A community meeting was held virtually by the Ward 7 Councillor's office on September 12, 2021 and was attended by approximately 30 residents.

Public Comments and Responses

Built Form

- The height of the development will threaten the privacy of neighboring buildings.
- The building is too tall and out of character with surrounding development.
- Concern about lack of commercial space provided
- Concern about shadow of proposed buildings
- Concern about loss of privacy for surrounding residents.

Response

The height and scale of the building was reviewed in accordance with the Official Plan, as discussed in this report. The Official Plan provides direction for urban design and compatibility, outlining, in a broad nature, design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community. After receiving feedback from the community and staff, the proposed building height was reduced from nine storeys to six storeys. The existing zoning permissions of the site allow for the development of a building with heights up to 18.5m (six storeys), the proposed two-metre increase in height is located at the front of the property away from residents to the rear to provide for an appropriate transition between uses. The existing zoning requires a landscaped buffer at the rear of the site and the existing cedar hedge at the rear of the site will be protected to ensure that the site is well screened. Shadow impact studies were submitted in support of the application and reviewed by staff who found the study to be satisfactory.

The Neighbourhood designation permits a range of both stand alone residential and non-residential uses which is reflected in the General Mixed Use zoning of the site. The

proposed zoning bylaw amendment does not contemplate a change in use, but rather updates the performance standards including the proposed two metre increase in height. The proposed residential development is a permitted use in the zoning bylaw.

Transportation

- Not enough parking has been provided on site.
- Concern about potential for on-street parking.
- Concerned about lack of transit service in the area.
- Concern with that traffic counts were taken during COVID when traffic to and from the DND campus and the Kanata Tech park was reduced.
- Concern with the reduced road widening proposed.

Response:

In support of the application, a Transportation Impact Assessment (TIA) was submitted and reviewed by staff, who found the report to be satisfactory. No reductions to the permitted parking rates have been requested.

There are two transit routes along Carling Avenue, both with transit stops within 150m of the subject development. Based on the OC Transpo schedule, at these transit stops, there are approximately 15 buses during the AM peak period (6:00 – 9:00) and 17 buses during the PM peak period (15:00 – 18:00). These routes are projected to have adequate capacity to serve the proposed development.

The Official Plan requests a 44.5 metre right-of-way protection for Carling Avenue. A right-of way-reduction to 37.5m in this location is supported by Transportation Planning, consistent with the new standard for Urban Arterial Roads. As this section of Carling Avenue is not designated as a major rapid transit or transit priority right, 37.5 metres (18.75 metres from the centre line of the road), is adequate to achieve the City's transportation goals, including the provision of vehicle, bicycle and pedestrian infrastructure to current standards. At present, this section of Carling Avenue is not scheduled for any infrastructure upgrades. The current pavement edge sits approximately 7.5 metres from the existing property line, the proposal will provide an approximate additional 4 metre dedication from the front of the site to provide a total roadway width 18.75 metres from the centre line of the road.

Other concerns:

- Concerns about noise/nuisance due to construction.

Response:

The construction of the proposed development is required to follow all applicable City and Provincial regulations and industry best practices relating to safety, noise, dust, blasting and construction. Construction activity must adhere to relevant City by-laws, including the Noise By-law, Traffic and Parking By-law and Encroachments on City Highways By-law. If issues are experienced during construction, a concerned citizen may contact 311 to report non-compliance with the by-laws.

As part of the Site Plan Control application, detailed plans and studies will be required that will address noise and geotechnical matters. Furthermore, Site Plan Control approval will contain conditions with respect to blasting.

Community Organization Comments and Responses**COMMENTS ON APPLICATIONS # D02-02-21-0082 AND # D07-12-22-0177****FOR 3430 CARLING AVENUE**

Issue 01, February 13, 2023

by the

Crystal Beach Lakeview Community Association (CBLCA)

The proposal is improved from the previous version and contains positive changes, but the Crystal Beach Lakeview Community Association still has concerns to share.

The zoning bylaw amendment requested in application # D02-02-21-0082 has not been approved, and now, in total, with the changes requested in site plan application # D07-12-22-0177, the proponent is requesting not only height greater than all other buildings in this low-rise neighbourhood, but also:

- the right-of-way
- an exemption from meeting the 3 metres setback requirement, despite the loss of the right-of-way
- a floor space index of 2.04, still greater than the 2.0 requirement
- a reduction in the minimum parking space requirement
- a reduction in the minimum width of a landscaped buffer between the subject property and neighbouring residential properties.

The proposal is still just too big.

We appreciate that Fotenn Consultants Inc. have attempted to provide a design that is less problematic to the neighbours on Elterwater Avenue, but the solution remains inadequate. The buildings are still just too big. They overfill this shallow lot and add too many people to a low-rise residential street with limited transit. 186 units with 289 vehicle parking spaces is a lot of people and vehicles. For comparison, the Trebla, an office converted to residential in the middle of downtown Ottawa, contains 158 units.

Even reduced to six storeys and pushed as far north as they can go, the buildings—with rooftop terraces no less—will still loom over the neighbours. Townhouses or a four-storey building with space for a couple of picnic tables would be more appropriate.

Most of the comments our community association made on the nine-storey application # D02-02-21-0082 are still valid. Please, refer to *Submission on D02-02-21-0082, the Proposal for 3430 Carling Avenue* by the Crystal Beach Lakeview Community Association (CBLCA) Issue 1.0 (October 6, 2021)

The following comments focus on the broader impact of this development on Carling Avenue and missed opportunities.

Transportation Master Plan opportunity

What is Ottawa's vision for Carling Avenue from Bayshore Drive to Moodie Road? East of Bayshore, Carling is a main street. West of Moodie Drive, it's two lanes through countryside. What is this stretch supposed to be? On a summer evening, Crystal Beach Lakeview residents are more likely to stroll on this street (yes, both sides) than on any other street in the neighbourhood. They are drawn not just by the beauty of the sailing club and Andrew Haydon Park but by the variety of the homes from a range of building styles and periods. It's a fun place to walk, despite the poor design of the road itself.

The road is five straight lanes of uncontrolled traffic. While the north side has a pleasant and usable multi-use pathway, on the south side the sidewalk is jammed against the curb and the speeding traffic. Snowplows leave windrows, mainly on the road, but partly on the sidewalk. Several years ago, a vehicle swerved off Carling and smashed into a townhouse, (near, but just outside the traffic study area) even though **its** setback meets the requirement. (In other words, that townhouse does not have what this application charmingly refers to as "a more intimate connection with the Carling Avenue corridor"!)

The accident made the CBC National's 'Moment of the Day'.

The design of this stretch of Carling could be the “before” picture in a talk on walkable cities.

With the new Transportation Master Plan, the City has an opportunity to rethink this residential and park-lined stretch of Carling. The community association is concerned that giving away the Carling right-of-way may hamper future efforts to make this part of Carling a slower complete street, perhaps with a boulevard and cycling lanes so that it can properly showcase the beauty of the City’s assets on the north side.

Public transit opportunity

With LRT2 nearing completion and a new transit committee rethinking bus routes, the City has an opportunity to restore the bus service this community used to have. While the express 258 bus service has been excellent and beloved by the community, at some point, we lost the local route 166 which circled through Crystal Beach Lakeview to the grocery stores, library, and other services of Bells Corners. We were left with two stubs of a bus service and a local bus that doesn’t really go anywhere useful except Bayshore.

Zoning opportunity

The zoning, a hodgepodge of Nepean and Ottawa rules with ad hoc additions, has not kept up as the actual development evolved into low-rise residential. We have lost almost all our commercial buildings over the decades. With new zoning bylaws we have an opportunity to formalize the integration into the rest of the neighbourhood that has already occurred.

Planning opportunity

For years now, the community association, the City, several local councillors, and the Ottawa Police have spent considerable effort and expense in vain attempts to control speeding on this stretch of Carling through signage and enforcement, to little avail—the street is hugely wide. Meanwhile architects here are designing for speed, and the City is not discouraging them. Both the architect on this project and the architect on the last project, application # D07-04-16-0002, 3368 Carling Avenue (at Bedale) designed to appeal to people travelling at considerable speed on Carling.¹ The architects are not

¹ “The upper levels of the building, which will be observed more typically from a vehicle, the design is far more expressive to reflect the speed in which it will be experienced.” *3430 Carling Avenue Design Brief* (December 6, 2022), page 7

planners, and they design for what they currently see, rather than try to improve the situation.

City Planning should discourage “design for speed” thinking; it’s counterproductive. Encourage designs that make walking and biking interesting.

Response to Community Association comments:

A 6 storey residential building is permitted in this location. The impact of a two metre height increase limited to the front of the property is minimal.

The landscape buffer reduction is an administrative amendment and normalizes the right-of-way protection for clarity at permit. Section 4 of the Zoning Bylaw states that in the even of a conveyance of part of the lot to the City, the building will not be found in conflict with the provisions of the bylaw for reason of the conveyance. The proposed setbacks provide the opportunity for landscaping and street trees in the front of the building.

As existing, this segment of Carling Avenue contains two lanes of traffic each way, a centre turn lane, a sidewalk on the south side, and an asphalt multiuse path on the north side. An additional 11.5m from the existing pavement edge will be part of the right of way as a result of this application. As above, this provides the ability for the City to reach its ultimate goals for Carling Avenue including the provision of bike lanes, street trees and pedestrian infrastructure. The TIA did not identify any required upgrades required to Carling Avenue to facilitate development.