

Subject: Zoning By-law Amendment - 100 Weeping Willow Lane

File Number: ACS2024-PRE-PS-0054

Report to Planning and Housing Committee on 10 April 2024

and Council 17 April 2024

**Submitted on March 27, 2024 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Kanata North (4)

Objet: Modification du Règlement de zonage – 100, ruelle Weeping Willow

Dossier: ACS2024-PRE-PS-0054

Rapport au Comité de la planification et du logement

le 10 avril 2024

et au Conseil le 17 avril 2024

**Soumis le 27 mars 2024 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 100 Weeping Willow Lane as shown in Document 1, to permit a nine-storey apartment building, as detailed in Document 2 and Document 3.
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 [April 17, 2024,” 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 au Règlement de zonage 2008-250 visant le 100, ruelle Weeping Willow, un bien-fonds illustré dans le document 1, en vue de permettre la construction d’un immeuble résidentiel de neuf étages, comme l’exposent en détail les documents 2 et 3.
2. Que le Comité de la planification et du logement donne son approbation afin 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 17 avril 2024 », 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

100 Weeping Willow Lane

Owner

Homestead Land Holdings Inc.

Applicant

Fotenn Consultants

Architect

RLA Architecture

Description of site and surroundings

The site is located on the south side of Weeping Willow Lane, between Varley Drive and Teron Road. The site has a land area of approximately 3.2 hectares and is currently developed with an eight-storey rental apartment building containing 85 units and associated surface parking. Access to the site is obtained by Weeping Willow Lane which is a private roadway.

On the southern and eastern part of the site is a creek that forms part of the Kizell Drain and a heavily wooded area. On the westerly part of the site is a large grassed berm and municipal walkway adjacent to Varley Drive. Immediately north of Weeping Willow Lane is a development of two-storey townhouses. West of Varley Drive are detached dwellings and east of Teron Road is a two-storey townhouse development as well as a small retail mall.

In 2014, a rezoning was approved ([ACS2014-PAI-PGM-0206](#)) to facilitate the development of a five-storey (maximum 20 metre) retirement home in the centre of the site. Since the approval of this application the site was sold and the current landowner no longer wishes to proceed with the development of a retirement home on the site.

Summary of proposed development

The development is proposed as a mid-rise (nine-storey) apartment building fronting onto Weeping Willow Lane, with an enclosed amenity area as a permitted projection above the height limit. The building has been designed to step down to a height of six storeys along Varley Drive. Building step backs have been introduced into the facade of the building, with step backs proposed after the second and sixth storeys. 126 dwelling

units are proposed with 159 vehicle parking spaces. In addition to the private and communal amenity space, 877 square metres of parkland is proposed to be dedicated to the City adjacent to the existing Lytle Park along the frontage of Varley Drive. If approved, the development will be subject to site plan control.

Summary of requested Zoning By-law amendment

The subject property is split zoned Residential Fifth Density Subzone A with site-specific height maximums of 30 and 20 metres and site specific exception 1533 (R5A[1533] H(30) S331 and R5A[1533] H(20) S331) and Floodplain Overlay. The intent of the R5 zone is to allow a wide mix of residential building forms ranging from detached dwellings to mid- and high-rise apartment dwellings, and to allow several other residential uses to provide for additional housing choices. Schedule 331 is a site-specific schedule which has been used to identify two different maximum building heights on the subject property. The northern central portion of the property is limited to a maximum building height of 20 metres (Area A on Schedule 331) to reflect the previous development proposal for a five-storey retirement home, while the remainder of the property is limited to a maximum building height of 30 metres (Area B on Schedule 331). Urban Exception 1533 provides specific zoning regulations for the subject property and makes reference to Schedule 331. For the subject property, Urban Exception 1533 limits the number of dwelling units within Area B to 85 dwelling units and limits the permitted uses within Area A to a Retirement Home only. Finally, the Floodplain overlay is intended to impose regulations as it relates to a floodplain and takes precedence over the provisions of the R5A zone.

The requested Zoning By-law amendments are with respect to performance standards; the land use is otherwise permitted. The applicant has requested relief as follows for the proposed development:

- Amend the site-specific schedule and exception that limits the uses to a five-storey retirement home and to regulate the maximum building height for the proposed apartment building and define building setbacks above the second and sixth storeys.
- Permit an indoor amenity space as a permitted projection above the height limit.
- Reduce the resident parking rate for the site from 1.2 spaces per unit to 0.93 spaces per unit.

The proposed park will be zoned Open Space Zone (O1) and the creek and associated setback will be zoned Environmental Protection Zone (EP1).

The proposed Zoning By-law amendment will change the zoning on the property to specifically distinguish the permissions for the proposed development while maintaining the intent of the R5A[1533] H(30) S331 Area B permissions on the balance of the site.

Schedule 331, as shown in Document 3, will be amended to split the current property into two distinct parts for zoning purposes. Areas A, C E and F cover the portion of the site which is the subject of the proposed development, and Area B covers the remainder of the site. The amended schedule incorporates maximum building heights and stepbacks for the proposed development, and Area B will maintain the intent of the current zoning.

DISCUSSION

Public consultation

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

Two public information sessions were held by the Councillor's Office on December 14, 2021 and May 11, 2023.

Comments were received from approximately 140 residents during the application review process, some residents sent multiple comments. Concerns were raised with respect to the impact of construction on the existing residents of the site, traffic impacts on surrounding roadways, the impact of an additional high-rise building in the area, and loss of open space.

For this proposal's consultation details, see Document 4 of this report.

Official Plan designation(s)

The subject lands are designated as Neighbourhood Area in the Suburban Transect (Schedule A) and are located within a 600 metres radius of a future rapid transit station at the intersection of March Road and Teron Road (Schedule C-2).

The Suburban Transect recognizes a suburban pattern of built form and site design while supporting an evolution towards 15-minute neighbourhoods.

Within Neighbourhoods, the development is to be characterized as low- to mid-density, low-rise development to create the conditions for 15-minute neighbourhoods. However,

the Official Plan allows for taller building heights in areas characterized by or zoned for taller buildings.

Planning rationale

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). The Suburban Transect recognizes a suburban pattern of built form and site design while supporting an evolution towards 15-minute neighbourhoods (5.4.1).

The Neighbourhood designation generally allows for a full range of low-rise housing options (Policy 6.3.1) however, taller building heights are permitted in areas characterised by taller buildings (6.3.1.2). The Neighbourhood designation also allows for a range of residential and non-residential built forms that are compatible with nearby residential uses (6.3.1.4).

The proposal conforms to the Official Plan as the site is located on a property that contains an existing eight-storey apartment building and has existing height permissions of 30 metres. The site is located within a 600-metre radius of a future Bus Rapid Transit Station contributing to the evolution toward transit supportive 15-minute neighbourhoods.

The proposed zoning is compatible with surrounding uses and contributes to the neighbourhood. The proposed development appropriately transitions to the existing low-rise neighbourhoods by locating development outside of the 45-degree angular plane. Further, building setbacks have been provided above the second and sixth storeys to strengthen the relationship with the surrounding low-rise built form. Shadow impacts on surrounding properties have been minimized by the location and the north-south orientation of the proposed building. The development is well sited on the property and provides a 24-metre separation to Varley Drive. The siting provides the opportunity for landscaping and tree plantings on public roadway frontages and internal to the site. Such elements along with additional architectural details and landscaping elements will be further refined through a future Site Plan Control process.

The applicant has submitted a Transportation Impact Assessment and Servicing study in support of the application which indicate that there is adequate infrastructure capacity to service the development.

Zoning

The site is split zoned Residential Fifth Density Subzone A with site-specific height maximums of 30 and 20 metres and Urban Exception 1533 (R5A[1533] H(30) S331 and R5A[1533] H(20) S331) and Floodplain Overlay. The rezoning proposes to:

- Amend the site-specific schedule and exception to remove the permissions for the five-storey retirement home and to regulate the maximum building height for the proposed apartment building and define building setbacks above the second and sixth storeys.
- Permit an indoor amenity space as a permitted projection above the height limit.
- Reduce the resident parking rate for the site from 1.2 spaces per unit to 0.93 spaces per unit.

The site is within close proximity to existing bus service along Teron Road. Further, the applicant has proposed to increase the number of bicycle parking spaces from 63 to 140, which represents a rate of 0.9 per unit. Staff have no concerns with this proposed reduction.

- Rezone a portion of the site Open Space Zone (O1) for a proposed park.

Park Planning is satisfied with the size and location of the proposed park. The existing pathway easement that runs from Weeping Willow Lane to Lytle Park will be maintained. The park will be dedicated and designed through a future site plan control application.

- Rezone a portion of the site Environmental Protection Zone (EP1) for protection of the creek and associated setback.

Provincial Policy Statement

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

The proposed development is exempt from the Community Benefits Charge, provided that a building permit for said development is obtained by August 31, 2027.

RURAL IMPLICATIONS

There are no rural implications.

COMMENTS BY THE WARD COUNCILLOR(S)

Councillor Cathy Curry provided the following comments:

The community was appreciative of the work done between the community, the developer and staff to mitigate the impact of this development on nearby residents, with consideration being given to the existing nature and history of development in the neighbourhood. While moving the building further from the street is appreciated, the community still has concerns about future development on this site and traffic on the local streets when there is no exit from this densely populated parcel onto Teron Road. Additionally, the community had enjoyed a toboggan hill on this property and would look forward to working with the developer to determine if there is a possibility of creating a new berm that might replace the little hill that the community's children loved.

LEGAL IMPLICATIONS

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. In the event of an appeal it would be necessary to retain an external planner.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications.

ASSET MANAGEMENT IMPLICATIONS

There are no servicing constraints identified for the proposed rezoning at this time. Servicing capacity requirements to be confirmed at time of site plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications. In the event the applications are refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services operating budget.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. The Accessibility for Ontarians with *Disabilities Act* requirements for site design will also apply and will be reviewed through a future Site Plan Control application.

ENVIRONMENTAL IMPLICATIONS

The applicant submitted an Environmental Impact Statement in support of the proposed application to ensure that impacts on the Kizell Drain are mitigated through development. The proposal sufficiently sets back development from the limit of the watercourse in alignment with Official Plan policy. The watercourse and associated setback will be zoned into an Environmental Protection Zone with the subject application to ensure its protection. As a part of a future site plan control application, landscaping and restoration will be explored.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0121) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the complexity of issues associated with urban design and environmental protection.

SUPPORTING DOCUMENTATION

Document 1 Zoning Key Map

Document 2 Details of Recommended Zoning

Document 3 Zoning Schedule

Document 4 Consultation Details

Document 5 Proposed Development Rendering

CONCLUSION

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

DISPOSITION

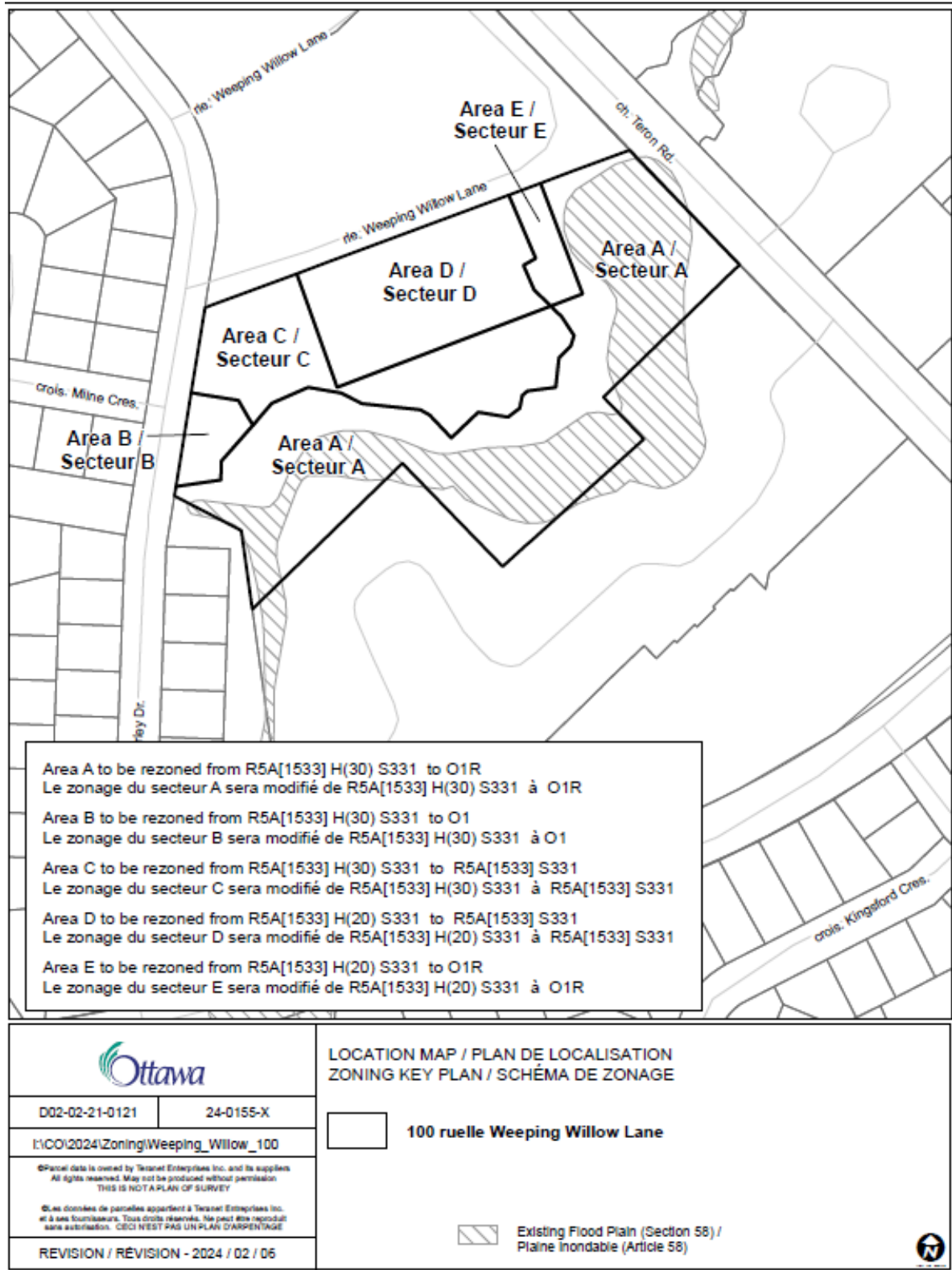
Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance and Corporate Services Department (Mail Code: 26-76) of City Council's decision.

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 – Zoning Key Map

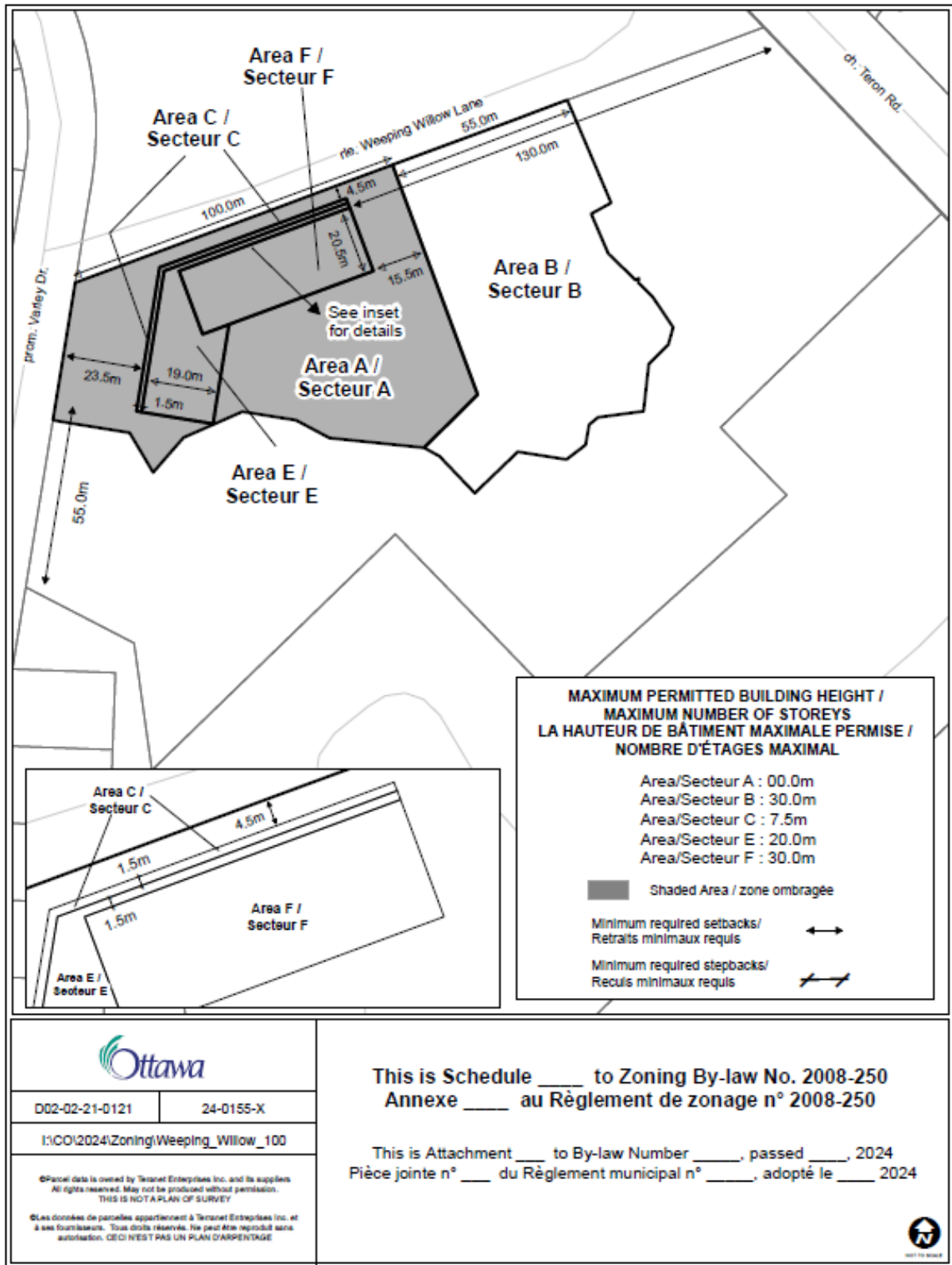


Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 100 Weeping Willow Lane:

1. Rezone the site as shown in Document 1.
2. Amend Part 17, Schedules, by replacing Schedule 331, as shown in Document 3
3. Amend Section 239, Urban Exceptions, by amending Urban Exception [1533] with provisions similar in effect to the following:
 - a. In Column II replace the text with, “R5A[1533] S331”
 - b. Amend Column V by replacing it in its entirety with the following:
 1. “Maximum permitted building heights are as per Schedule 331
 2. In the shaded area of Schedule 331 the following applies:
 - i. The setbacks and stepbacks are as per S331
 - ii. Despite Section 101, the minimum parking rate for an apartment is 0.93 parking spaces per dwelling unit
 3. Despite Schedule 331, permitted projections in Section 64 and 65 of the Zoning By-law are permitted in all areas, and:
 - i. Within Area A, a vent, garage exhaust, and foundation are permitted projections and shall not be higher than 1.0 metre; and
 - ii. Within Area F, 235 square metres of indoor amenity area is permitted as a projection above the height limit.
 4. A maximum of 85 dwelling units is permitted in Area B on Schedule 331
 5. Despite Area A on Schedule 331, accessory structures and buildings are permitted subject to Section 55.

Document 3 – Zoning Schedule



Ottawa

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This is Schedule ____ to Zoning By-law No. 2008-250
 Annexe ____ au Règlement de zonage n° 2008-250

This is Attachment ____ to By-law Number ____, passed ____, 2024
 Pièce jointe n° ____ du Règlement municipal n° ____, adopté le ____ 2024

Document 4 – 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. Responses were received from 140 residents.

The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

Public Comments and Responses

Building Height and Architecture

- The height of the development will threaten the privacy of neighbouring buildings.
- The building is too tall and out of character with surrounding development.

Response

The height and scale of the building was reviewed in accordance with the Official Plan, and key design guidelines as discussed in this report. This location represents a significant opportunity for intensification in proximity to transit, and the specific policies in the Official Plan that allow for the consideration of taller buildings have been satisfied.

An appropriate transition has been provided to surrounding development providing the opportunity for significant landscaping along Varley Drive. In response to community comments, the height of the building along Varley Drive was decreased from nine storeys to six storeys and stepbacks have been introduced into the building design. The setback to Varley Drive was also increased from a minimum of nine metres to a minimum of 24 metres. The resultant built form reduces the proposed unit count from 142 units to 126 units.

Removal of Trees/Open Space

- Concern about the loss of trees on the site that would be required to facilitate the subject development.
- Concern about loss of the berm on the site that is used as a toboggan hill by the community.

Response:

There are 54 trees on the site outside of the watercourse area. The stand of white spruce (12 trees) in the centre of the site is proposed to be removed to facilitate development. Through the future site plan control application a landscape plan with replacement trees will be provided. The setbacks proposed provide the opportunity for significant tree planting to screen the proposed development and provide restoration of the creek corridor.

The berm is currently on private property and not formally accessible to the public. The subject application zones a location for a future public park which will be developed and conveyed to the City as a part of the future site plan control application.

Parking and Traffic

- Parking for the buildings seems to be inadequate for both tenants and visitors.
- Concern that there will be unacceptable traffic impacts in the community as a result of the proposed development.
- Concern that impacts as a result of school pick up and drop off have not been adequately considered.
- Concern that traffic counts were taken during the COVID pandemic and are not representative of typical conditions.
- Access should be provided via Teron Road rather than Varley Drive.

Response:

In support of the application, a Transportation Impact Assessment (TIA) was submitted and reviewed by staff, who found the report to be satisfactory. 24 vehicle trips are anticipated to be generated in the morning peak hour and 31 vehicle trips are anticipated to be generated in the afternoon peak hour.

To help account for the possibility of lower counts at the time of the study, the study area intersections were calibrated with pre-COVID intersection volumes from nearby intersections to amplify them for a conservative analysis. All intersections operate well with low delay, and there will be fewer trips generated now with the lower unit count.

The PM peak time for vehicular traffic does not coincide with the end of the school day traffic for buses and parent pick-ups.

Additional access to Teron Road is not warranted as a result of traffic counts. Weeping Willow Lane is a private roadway owned by the adjacent owner to which the subject development has an access easement.

The parking reduction is proposed for the new building only. Transportation Demand Management Strategies such as unbundling from the rent in the proposed building and increasing the number of bicycle parking spaces provided will be implemented through the future site plan control application. Bicycle parking has been significantly increased.

As part of the Site Plan Control application, an additional TIA will be required.

Community Organization Letter Dated May 22, 2023

While the Applicant's proposal is an improvement over the initial version in 2021, the Kanata Beaverbrook Community Association, again, proposes a more detailed definition of the Applicant's revised design that may be more acceptable to the community.

The Applicant's proposal puts the major axis of the building (nine-storeys) at the very edge of the property, abutting a private laneway and directly opposite existing low-rise apartments/rowhouses. The rationale provided by the Applicant's architect was that (paraphrasing):

- "This is consistent with the City of Ottawa Planner's preference for the on-street location of mid-rise buildings in a 'more human-friendly' streetscape."
- "That fronting the nine-storey portion of the building on Weeping Willow Lane is preferable to parking being visible from the street and adjacent homes."

Neither of these statements is consistent with the well-established and well-known in-community character of Beaverbrook, nor consistent with compliance with this character by similar recent mid-rise development, which will be provided in the appendix.

- Buildings of all types, including all residential buildings in Beaverbrook (with some exceptions, see appendix), have large setbacks from the street, with lawns, trees and other vegetation, plus setbacks and other design elements to eliminate overlook and shading for adjacent residential buildings.
- Parking is an integrated component of Beaverbrook residential buildings, where a combination of setbacks and use of trees, hedges and other vegetation is used as a natural screening material.

The core of the Kanata Beaverbrook Community Association's counter-proposal is to, as per the feedback to the original proposal, re-orient the building and parking on the

property to minimize the impact of the building on adjacent properties from an overlook and sun shading perspective and the “street” presence. It is our understanding that as underground parking is expected to be under the building, extending beyond its perimeter, including under some of the surface parking, that a change of the orientation of the building does not appreciably change the capacity or complexity of the overall parking design, other than re-orientation.

Note; this counter-proposal provides the same building design, parking and amenities as the most recent revision by the Applicant while re-orienting the building on the property, making it consistent with more community-compatible developments in-community (vs. at the edge or beyond the edge of the community), such as 2 the Parkway (seven-storey condominium).

The net effect of the Kanata Beaverbrook Community Association’s counter-proposal is that it further reduces the community impact in a manner consistent with the Staff Recommendation Letter to Council on the 7000 Campeau Drive application of Nov 26, 2020, which is to emphasize that development applications for rezoning need to be compatible with “Building Livable Communities and Urban Design and Compatibility”.

The position and orientation of the building work well with existing dwellings across Varley due to the additional setback from Varley. It also works better with existing dwellings north and south as the angles of the buildings mitigate the overlook with respect to each other. In addition, existing and future large trees act as a visual screen both from adjacent buildings and the street – as existing trees currently provide for the eight-storey from Varley and Teron.

The following proposal diagrams have been taken from the Applicant’s drawings as a starting point and modified with the community proposal.

It is proposed that the look and exterior cladding and finish materials be designed from a Heritage perspective – respectful but not identical to the existing eight-storey apartment building's existing look, cladding and finish.

The original exterior materials for single-family detached and townhomes were natural, predominantly red clay brick, cedar siding and roof shingles, and redwood window frames. Larger buildings adopted a primarily red brick exterior. The Atriums on Teron Road is also an example. Homes and buildings blend into Nature. They are NOT the “star of the show”.

While two the Parkway is a reasonable example of working within the in-community character from a setback and size perspective, it is NOT a good example of compatible finishing materials. Instead, it is a “look at me” building, with multiple exterior materials



Figure 2 shows the Applicant's current proposal



Figure 2 – Current Applicant's proposal



Figure 3 shows the Kanata Beaverbrook Community Association counter-proposal, which inverts the orientation of the building such that only the end of the four-storey portion of the building fronts on Weeping Willow. This increases the setback from Varley and orientates the nine-storey “wing” such that it is more central to the property, positioning parking such that trees, hedges and other natural vegetation can mask it. Note that the parking and pool shown in the applicant’s proposal area also included, but re-oriented, but remain the same in size and capacity.

Document 5 – Proposed Development Rendering



VIEW TO THE SOUTH ON VARLEY