

---

Zoning By-Law Amendment – 1705 Carling Avenue

ACS2021-PIE-PS-0026

Kitchissippi (15)

---

### Report recommendations

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 1705 Carling Avenue to permit a 22-storey residential high-rise building, as detailed in Document 2.
2. That Planning 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 February 24, 2021 subject to submissions received between the publication of this report and the time of Council's decision.

Councillor Leiper introduced the following motion:

#### **Motion N° PLC 2021-37/4**

Moved by Councillor J. Leiper

**WHEREAS Report Zoning By-Law Amendment – 1705 Carling Avenue (ACS2021-PIE-PS-0031) recommends zoning changes to the lands known municipally as 1705 Carling Avenue, to permit a 22-storey residential high-rise building; and**

**WHEREAS the location and zoning map in Document 1 does not include reference to the existing R1O zoning designation; and**

**WHEREAS staff have been made aware of a desire by the Ward Councillor and**

the community to place further zoning limits on the heights and setbacks of the buildings being proposed as to restrict the development to what is shown in the associated Site Plan; and

WHEREAS the heights included in the newly created Zoning Schedule shall not restrict permitted projections, such as balconies and mechanical penthouses; and

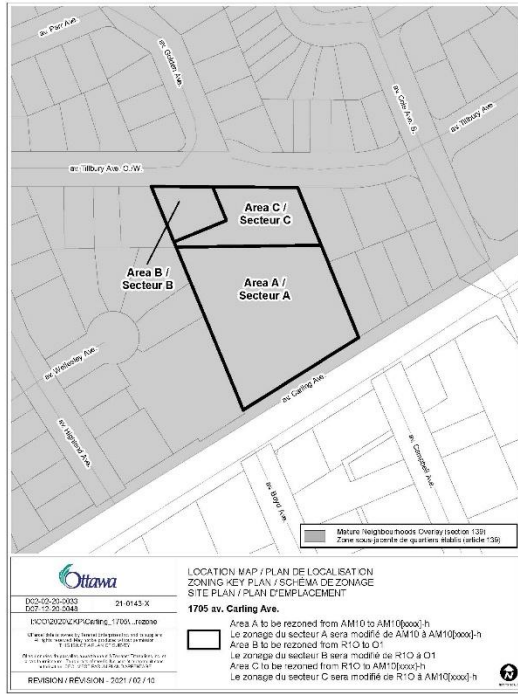
WHEREAS, to provide more clarity and to ensure alignment with the corresponding site plan control application for this property, staff propose to add a zoning schedule to be listed as Document 8 of this report;

THEREFORE BE IT RESOLVED that Planning Committee approve the following changes to the staff report:

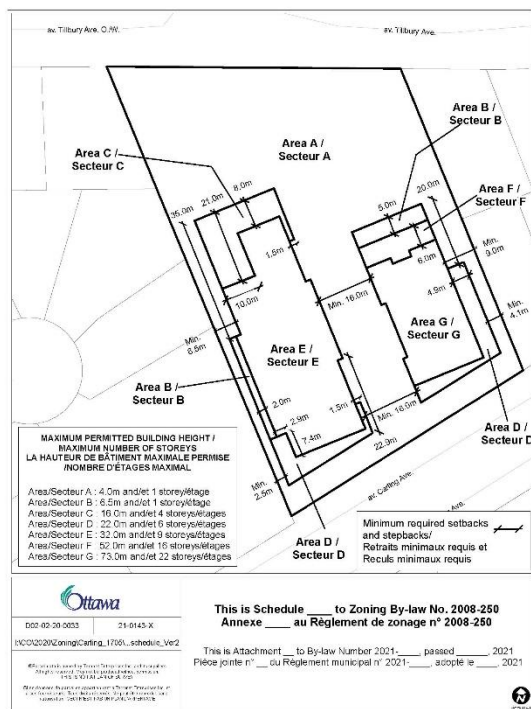
1. Replace Document 1 of Report ACS2021-PIE-PS-0031 with a revised location and zoning map referencing the existing R10 zoning designation, listed as Appendix 1 to this motion;
2. Add a new 'Document 8 – Zoning Schedule' to Report ACS2021-PIE-PS-0031, listed as Appendix 2 to this motion;
3. Amend Document 2 to introduce a new the Zoning Schedule, and include wording: 'Amend Part 17, by adding a new Schedule "YYY", as shown in Document 8';
4. Amend Document 2 to remove 2(c)(ii),(iii),and(iv), as these will instead be clearly referenced in Document 8;
5. Amend Document 2 to include the provision "Permitted projections listed in Section 64 and 65 are not subject to the height limits identified on SYYY" in Column V;
6. Amend Document 2 to replace any reference of "AM10[xxxx]-h" to "AM10[xxxx]SYYY-h".

BE IT FURTHER RESOLVED that there be no further notice pursuant to subsection 34 (17) of the *Planning Act*.

Appendix 1: Revised Document 1– Location and Zoning Map



Appendix 2 – New Document 8 – Zoning Schedule



The committee heard four delegations on this matter, as follows:

- Kristi Ross, Barrister & Solicitor for the 'Residents' Group' (who live next to the project site), asked for mitigation measures and confirmation details to ensure intensification proceeds in a sensitive manner and reduces impacts on abutting residential properties, in respect of the following: minimum side yard setbacks for a portion of the west side of the site; an increased side yard setback at the rear portion of the seniors' residence; protection and maintenance of a hedge that runs around the rear lot line of the subject lands on Tillbury Avenue; installation of a solid 3-metre high privacy fence where the subject lands abut an existing residential land use; an updated site plan that removes the Tilbury vehicular access point; pre and post construction assessments of properties proximate to the site.
- Nick Simmons indicated the proposal as it currently stands is not appropriately sized, scaled or contributing to the overall community, ignores the residents' comments, City By-laws, and multiple stipulations set out by the Province, and is too large and dense considering the poor soil conditions on the site (Leda Clay and marshland). He urged the committee to reject the proposal or that the developer instead be permitted to add additional height to their proposed towers at Neilson Dairy in exchange for reducing the height at 1705 Carling.
- Laura Lunn suggested that while the main arterial street development is welcomed and the revitalization of Carling Avenue is welcomed, there is no need or justification to rezone this residential land in an established residential neighbourhood into commercial land, given the ample square footage of the lot and ample easements, and considering concerns about insufficient infrastructure, neighbourhood impacts and the precedent it would set.
- The applicant, as represented by the following persons, provided site context and arguments in support of their proposal: Kersten Nitsche, Fotenn; Vincent Denomme, Claridge; Nick Sutherland, Fotenn; Neil Malhotra, Claridge

The following correspondence was provided to the committee coordinator between February 1 (the date the report was originally published to the City's website with the agenda for this meeting) and the time the matter was considered on February 11, 2021, a copy of which is held on file:

- Email dated February 4 from Jaroslav Pachner

- Email dated February 4 from Alan Williams
- Email dated February 9 from Susan Morris
- Email dated February 10 from Gerard Lewis
- Email dated February 10 from Kristi M. Ross
- Email dated February 10 from Wade Smith
- Email dated February 10 from Nick Simmons
- Email dated February 10 from Nancy Ross
- Email dated February 10 from Laura Lunn
- Email dated February 10 from Angela de Wilton

John Bernier, Planner II, Planning, Infrastructure and Economic Development department, responded to questions.

The committee CARRIED Motion No PLC 2021-37/4 and CARRIED the report recommendations as amended.