

6. Zoning By-law Amendment – 3030 St. Joseph Boulevard
Modification au *Règlement de zonage* – 3030 boulevard St. Joseph

Committee recommendations as amended

That Council approve:

1. an amendment to Zoning By-law 2008-250 for 3030 St. Joseph Boulevard to permit a 52.4 metre (16 storey) high-rise apartment building, as detailed in Document 2, as amended by the following:
 - a. that Document 2 – Details of the Recommended Zoning 3(a) be amended to change the language from:

“(a) Minimum required yard setbacks, building setbacks, and maximum permitted building heights as per Schedule ‘YYY’”

to:

“(a) Minimum and maximum required yard setbacks, building setbacks, and maximum permitted building heights as per Schedule ‘YYY’”

and that the legend on Schedule ‘YYY’ be modified accordingly.
 - b. that the recommended Floor Space Index be a maximum of 4.25 metres to avoid a FSI deficiency;
 - c. that Document 2 - Details of the Recommended Zoning amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following:
 - In Column II, add the text “(AM3 [XXXX])”
 - In addition to those provisions already recommended to be added to Column V, add the following provision be added:

- The maximum permitted Floor Space Index is 4.25
2. that the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed;
 3. that pursuant to the *Planning Act*, subsection 34(17), no further notice be given.

Recommandations du Comité, telles que modifiées

Que le Conseil approuve :

1. une modification au Règlement de zonage 2008-250 visant le 3030, boulevard St-Joseph, afin de permettre la construction d'un immeuble résidentiel d'une hauteur de 52,4 mètres (16 étages), comme l'expose en détail le document 2, dans sa version modifiée par ce qui suit :
 - a. que l'on remplace la disposition 3(a) du document 2 – «Details of the Recommended Zoning» suivante :

«(a) Minimum required yard setbacks, building setbacks, and maximum permitted building heights as per Schedule 'YYY'»

par :

«(a) Minimum and maximum required yard setbacks, building setbacks, and maximum permitted building heights as per Schedule 'YYY'»
 - et que l'on modifie la légende de l'annexe YYY en conséquence;
 - b. que l'on recommande un rapport plancher-sol maximum de 4,25 mètres pour éviter tout écart;
 - c. que le document 2 – «Details of the Recommended Zoning» inclue ce qui suit : « Amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following:

- In Column II, add the text “(AM3 [XXXX])”
 - In addition to those provisions already recommended to be added to Column V, add the following provision be added:
 - The maximum permitted Floor Space Index is 4.25 ».
2. que le règlement de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*;
 3. que, conformément au paragraphe 34(17) de la *Loi sur l'aménagement du territoire*, aucun nouvel avis ne soit donné.

Documentation/Documentation

1. Director's report, Planning Services, Planning, Infrastructure and Economic Development Department, dated August 27, 2020 (ACS2020-PIE-PS-0088)

Rapport du Directeur, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 27 août 2020 (ACS2020-PIE- PS-0088)
2. Extract of draft Minutes, Planning Committee, September 10, 2020

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 10 septembre 2020

Report to
Rapport au:

Planning Committee
Comité de l'urbanisme
10 September 2020 / 10 septembre 2020

and Council
et au Conseil
23 September 2020 / 23 septembre 2020

Submitted on 27 August 2020
Soumis le 27 août 2020

Submitted by
Soumis par:
Douglas James

Acting Director / Directrice par intérim
Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Services de la
planification, de l'infrastructure et du développement économique

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Ward: ORLÉANS (1)

File Number: ACS2020-PIE-PS-0088

SUBJECT: Zoning By-law Amendment – 3030 St. Joseph Boulevard

OBJET: Modification au *Règlement de zonage* – 3030 boulevard St. Joseph

REPORT RECOMMENDATIONS

1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 3030 St. Joseph Boulevard to permit a 52.4

- metre (16 storey) high-rise apartment building, as detailed in Document 2;
2. That the implementing Zoning By-law not proceed to Council until such time as the agreement under Section 37 of the *Planning Act* is executed; and
 3. 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 September 23, 2020", 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 l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant le 3030, boulevard St-Joseph, afin de permettre la construction d'un immeuble résidentiel d'une hauteur de 52,4 mètres (16 étages), comme l'expose en détail le document 2;
2. Que le règlement de mise en œuvre ne soit pas soumis à l'examen du Conseil avant la conclusion de l'entente prévue en vertu de l'article 37 de la *Loi sur l'aménagement du territoire*.
3. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation, 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 23 septembre 2020 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil

EXECUTIVE SUMMARY

Assumption and Analysis

This is a controversial application in this community to amend the Zoning By-law to allow for a 16-storey, high-rise apartment building with a permitted height of 52.4 metres. The site is located at the eastern end of the St. Joseph Boulevard Arterial Mainstreet. It is also on the edge of the Orleans Town Centre, within 600 metres of the Place d'Orleans Transit Station. The proposed building is positioned at the bottom of the escarpment, which runs along the south side of St. Joseph Boulevard. At the top of the escarpment, and overlooking the site, is a residential subdivision that consist of single detached homes.

The proposal consists of a four-storey podium with ground floor commercial space facing St. Joseph Boulevard and there are 85 parking spaces planned on two levels of underground parking. The tower portion is concentrated to the front of the site, approximately 60 metres from nearest low-rise residential properties, incorporates stepbacks after the podium, and provides desirable yard setbacks including landscaped area at the rear of the property abutting the urban greenspace. The proposed development introduces intensification through a high-rise building in a manner which conforms to Section 3.6.3 of the Official Plan, which permits high-rise building on Arterial Mainstreet where they abut a Major Urban Facility, such as the Place d'Orleans Shopping Centre located across the street. The proposed development also conforms with other policies related to intensification, urban design and compatibility and is consistent with the relevant design guidelines.

Public Consultation/Input

On January 24, 2018, a public meeting to discuss the proposal was held in the community by the Ward Councillor at the time and the applicant, approximately 150 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. Staff attended the meeting to field questions on process and next steps.

Councillor Luloff convened a second open house, which was held on November 13, 2019, after the applicant made significant changes to their proposal, including making the tower slenderer and increasing the number of floors from 12 to 16 storeys. The meeting was attended by approximately 60 people.

Most of the comments submitted expressed opposition to the proposal and flagged

concerns such as height and density, slope stability, traffic and transportation. Few comments were submitted in support of the proposal. Details are summarized in Document 6.

RÉSUMÉ

Hypothèse et analyse

Cette demande de modification au Règlement de zonage visant à permettre la construction d'un immeuble résidentiel de 16 étages (51,4 mètres) est sujette à controverse dans la cette collectivité. L'emplacement se trouve à l'extrémité est du boulevard St-Joseph, une artère principale. Il est également situé sur la limite du centre-ville d'Orléans, à moins de 600 mètres de la station de transport en commun Place d'Orléans. L'immeuble proposé serait construit au pied de l'escarpement, qui longe le côté sud du boulevard St-Joseph. En haut de l'escarpement, un lotissement résidentiel constitué d'habitations isolées surplombe l'emplacement.

Le projet consiste à construire un socle de quatre étages abritant au rez-de-chaussée un espace commercial donnant sur le boulevard St-Joseph. L'aménagement de 85 places de stationnement sur deux niveaux souterrains est également prévu. La tour de l'immeuble serait concentrée sur la façade de l'emplacement, à environ 60 mètres des immeubles résidentiels de faible hauteur les plus près. Elle serait en retrait depuis le socle et présenterait également des retraits de cour souhaitables, notamment sous la forme d'une aire paysagée à l'arrière, le long de l'espace vert urbain. La construction de cette tour permettrait une densification conforme à la section 3.6.3 du Plan officiel, qui autorise les immeubles de grande hauteur sur une artère principale s'ils se trouvent directement à côté d'une grande installation urbaine, comme le centre commercial Place d'Orléans, situé de l'autre côté de la rue. L'aménagement proposé est par ailleurs conforme aux autres politiques de densification, de design urbain et de compatibilité, et respecte les lignes directrices pertinentes en matière de conception.

Consultation publique et commentaires

Le 24 janvier 2018, une réunion publique, organisée par le conseiller du quartier de l'époque et le requérant, a été tenue dans la collectivité pour discuter du projet. Quelque 150 personnes y ont assisté. Le requérant a présenté une synthèse de la proposition et a répondu aux questions des membres du public. Des membres du personnel ont assisté à la séance pour répondre aux questions portant sur le processus et les étapes à venir.

Le conseiller Luloff a convoqué une seconde réunion portes ouvertes, qui a eu lieu le 13 novembre 2019, après que le requérant eut apporté d'importantes modifications à sa proposition, notamment en concevant une tour plus étroite et en faisant passer de 12 à 16 le nombre d'étages. Une soixantaine de personnes ont participé à cette seconde réunion.

La majorité des commentaires soumis étaient opposés à la proposition, soulevant notamment des réserves quant à la hauteur et à la densité de l'immeuble, à la stabilité de la pente, à la circulation et au transport. Peu de commentaires étaient favorables au projet. Les détails de ces commentaires sont résumés dans le document 6.

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

3030 St. Joseph Boulevard

Owner

Torgan Group Inc.

Applicant

Fotenn Consultants Inc. – Julie Carria

Architect

Roderick Lahey Architect Inc – Rod Lahey

Description of site and surroundings

The site is located on the south side of St. Joseph Boulevard at the southwest corner of Duford Drive in the Orleans neighbourhood. The property is within 600 metres walking distance to the future Place d'Orleans Transit Station to the northwest. The subject site has approximately 61 metres of frontage along St. Joseph Boulevard and 77 metres of frontage along Duford Drive. The total area of the subject property is 2,644 square metres (see Document 1).

The subject site is situated on the steep slope of the escarpment that runs down the south side of St. Joseph Boulevard. The escarpment is generally treed with a break in the forest at this location. On the top of the escarpment there is residential subdivision that consist of single detached homes. There are some homes which overlook the site and have views to the north west. St. Joseph Boulevard is an Arterial Mainstreet with many commercial buildings of various sizes from small free-standing businesses to the Place d'Oleams Mall located directly north of the site. Duford Drive is a two-lane collector street which climbs the escarpment and links the residential neighbourhood to the commercial area along St. Joseph.

Summary of requested Zoning By-law amendment proposal

The applicant is proposing a 16-storey mixed use building with approximately 165 dwelling units, an underground garage providing 85 parking spaces (15 visitor, 70 residential) and approximately 426 square metres of retail space on the ground floor.

3030 St. Joseph Boulevard is currently located in a Traditional Mainstreet – subzone 3 zone that permits a range of commercial and residential uses up to a building height of 19 metres (approximately six-storeys). The site is also in Area Z on Schedule 1A which significantly reduces parking requirements in areas near a public transit hub.

The Zoning By-law amendment application has been submitted to rezone the site to a Arterial Mainstreet subzone 3 zone, exception, Schedule (AM3[xxxx] S[yyy]). The site-specific exception and schedule amends various provisions, including an increase in building height to 52.4 metres, to permit the proposed 16-storey mixed-use building. Building heights are measured from the average grade around the building. Given the slope on the property, and that the proposed building is constructed into the slope, the ground floor facing St. Joseph Boulevard is technically a walk-out basement and does not count as a floor in the permitted heights (see Document 3 – Schedule YYY).

The proposed residential building provides a mix of studio, one, and two bedroom units. The building design includes a ground floor with retail space accessed from St. Joseph Boulevard. A lobby, 85 bicycle parking spaces and storage lockers are also on this floor. Additional space for common amenity areas would be determined through a site plan control application. Vehicle access to the garage is also located off St. Joseph Boulevard.

Details of the rezoning generally includes the following:

- Rezone the site to AM3 [xxxx] SYYY

- Urban Exception “xxxx” will require minimum yard setbacks, minimum building setbacks and maximum building heights as defined in the Schedule “YYY”.
- Schedule ‘YYY’ identifies the minimum yard setback, minimum building setbacks, and maximum building height as per the proposed development.
- Details of the Section 37 contributions.

DISCUSSION

Public consultation

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

The Councillor at the time, Councillor Monette, staff and the applicant organized a public meeting following the initial comment period. The meeting was held on January 24, 2018 and approximately 150 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. Majority of the time focused on questions from members of the public. Staff attended the meeting to field questions on process and next steps.

A second public open house was held by Councillor Luloff on November 13, 2019 after the applicant revised their proposal. The meeting was an open house with each table focused on topics such as Architecture and Design, Planning, Transportation and Geotechnical. The meeting was attended by around 60 people. Most of the comments were critical of the proposal.

During the application review process, approximately 50 individuals/groups commented on the proposed development. The majority of the comments expressed opposition to the proposal and flagged concerns such as slope stability, height and density, affordable housing, consistency with existing urban form, traffic and transportation. Few comments were submitted in support of the proposal.

For this proposal’s consultation details, see Document 6 of this report.

Official Plan designation

According to Schedule B of the Official Plan, the property is designated as Arterial Mainstreet. St. Joseph Boulevard is identified as an on-road cycling route on Schedule

C and an Arterial Road on Schedule E. Duford Drive is an existing collector street on Schedule E.

Other applicable policies and guidelines

The site is located on the south side of St. Joseph Boulevard and across the street from the lands designated Major Commercial area in the Cumberland Town Centre Secondary Plan found in Volume 2b of the Official Plan. The site itself is not within an approved study area. However, the Secondary Plan states the following regarding future Development facing St. Joseph Boulevard:

- Encourage the redevelopment and integration of those lands designated Major Commercial and located on the north side of St. Joseph Boulevard, with the overall development of the Regional Shopping Centre with shared parking facilities, joint accesses and internal off-street vehicular circulation.
- Encourage land consolidation, joint access and parking on the redevelopment of those lands designated Major Commercial and located on the south side of St. Joseph Boulevard.

[The Urban Design Guidelines for Arterial Mainstreets](#) guide development to: foster compact compatible development that will respect the recognized or planned character of the street; to promote a comfortable pedestrian environment and attractive streetscapes; to achieve a high-quality built form while gradually transitioning to more intensive forms of development by accommodating a broad range of uses including retail, services, commercial, office and high density residential.

The [Urban Design Guidelines for High-Rise Buildings](#) speaks to high-rise buildings being well designed, including a mix of land uses to support urban services and amenities, contribute to an area's liveability, shape and define public streets and spaces at a human scale. Guidelines include addressing compatibility through massing, setbacks and transitions, including a podium, orienting the towers to minimize the extent of shadowing, separation distance between towers, designing with compact floor plates, and improving spaces for pedestrians and the public realm.

The [Urban Design Guidelines for Transit Oriented Development](#) apply to all development within a 600-metre walking distance of a transit Station. These guidelines state that people are more likely to choose transit if they can easily walk between destinations at the beginning and end of their trip. This can be achieved through

providing increased densities, mixed-uses and pedestrian oriented design within easy walking distances of high-quality transit. The guidelines speak to land use, site layout, built form, pedestrians and cyclist, vehicles, parking, streetscape and the environment.

Urban Design Review Panel

The property is within a Design Priority Area and the Zoning By-law Amendment application was subject to the Urban Design Review Panel (UDRP) process. The applicant presented their proposal twice for formal review to the Panel. The meetings are open to the public and the second meeting was attended by members of the Queenwood Heights community.

The first formal review meeting for the Zoning By-law amendment application was held on March 1, 2018. After the meeting the applicant revised there design significantly. The application was resubmitted, and a second formal meeting was held on September 6, 2019.

The architect made changes to the overall concept plan to address comments made during the first formal review. The changes included a slenderer rectangular floor plate orientated towards St. Joseph that moved the massing of the building away from both the intersection and Duford Drive. This resulted in the massing being less of an imposition to the established residential area to the south.

Due to the smaller floor plate the applicant has revised the plan to increase the proposed height of the building from 12 to 16 storeys. Even with the increase in building height, the overall floor space has been reduced by approximately 15 percent from the original proposal.

Planning Rationale

The proposed development and rezoning represent a change in the existing built form of the St. Joseph Boulevard and downtown Orleans. The approval of the Stage Two LRT and changes to the permitted intensification along Arterial Mainstreets have contributed to a change in the planning context. The City has initiated the Orleans Corridor Secondary Plan Study this past March to create policies to guide future development in the lands surrounding St. Joseph Boulevard and Highway 174. This application predates the commencement of this study and will proceed with guidance from the approved Official Plan policies.

The site marks the eastern terminus of the St. Joseph Boulevard Arterial Mainstreet. To the east there is limited space on the south side of St. Joseph for any development as the tree covered escarpment approaches the right of way. To the west, commercial properties line both sides of the street. The site is also a transition point from the commercial center of Orleans with the Place d'Orleans mall and the Cumberland Town Centre on the northside of St. Joseph and the predominately single family, suburban development found on the top to the escarpment to the south. Any development on this site will act as both a gateway and a buffer between these different urban forms.

The proposed 16-storey apartment building will contain 426 square metres of retail space on the ground floor and 165 dwelling units, consisting of a variety of studio, one and two-bedroom units on the floors above. The development proposes 85 underground parking spaces. The site is in Area Z on Schedule 1A of the Consolidated Zoning By-law, which significantly reduces parking requirements near a public transit hub. Only 15 spaces are required for visitor parking. The residential parking ratio is 0.42 spaces per unit when the visitor parking spaces are not included, but the building design focuses on making transportation choices for alternative modes of transport. The property is well served by public transit including local bus service and is within 600 metres of the existing Place d'Orleans transit station the future Place d'Orleans LRT Station.

The traffic study submitted as part of the application concluded that movements at reviewed intersections will operate at acceptable levels during peak hours with additional traffic generated from the proposed development.

Although vehicular traffic will increase in the area because of increased development, the priority for site development at locations such as this is to encourage alternative transportation modes such as walking, cycling or taking transit.

During review of this application the City requested a geotechnical investigation to consider the slope stability on this site. There was a slope failure soon after Duford Drive was constructed. The investigation indicated no issues with the slope and found that slope could be shored effectively while the site is excavated for the foundation and underground parking structure to be constructed. Once the foundation was in place there would be no issue with the slope.

The Official Plan (OP) designates the site as Arterial Mainstreet on Schedule B. Section 2.2.2 - Managing Intensification Within the Urban Area, targets mainstreets, amount other designations for intensification, and envisions significant development opportunities. Development that supports, and is supported by, increased walking,

cycling and transit use is encouraged, along with a built form that emphasizes street level animation and a pedestrian-friendly environment with active frontages.

Sections 2.5 - Building Liveable Communities provides policy direction for urban design and compatibility. Section 2.5.1 is broad in nature with design objectives such as defining quality spaces, ensuring safety and accessibility, respecting the character of the community, considerations on the adaptability of space in a building, and sustainability. New design and innovation co-existing with existing development without causing undue adverse impacts on surrounding properties is also considered. The proposed development has located the tallest portion of the building towards St. Joseph Boulevard while keeping the rear portion of the property as landscaped area where it abuts the urban greenspace. By orienting the tower portion of the building towards St. Joseph Boulevard the tower is approximately 60 metres from the nearest residential property. This is consistent with the City's Urban Design Guidelines for High-rise Buildings, which establish in Section 1.17.b. that a height transition of less than 45 degrees is maintained between the tower from the abutting residential low-rise properties.

Section 3 of the Official Plan illustrates land designations and provides specific policies related to uses and built form. Section 3.6.3 list policies related to Mainstreets, including policy 12, which allows 9-storey buildings on Arterial Mainstreets as of right unless the secondary plan states otherwise. High-rise buildings, greater than nine-storeys, are permitted subject to a zoning amendment where the building is proposed within 400 metres of a Rapid Transit Station; directly abutting an intersection of the Mainstreet with another Mainstreet or a Transit Priority Corridor; or directly abutting a Major Urban Facility. In this case, the Place d'Orleans Shopping Centre is a Major Urban Facility located directly across St. Joseph Boulevard. The site is also within 600 metres of the existing Place d'Orleans rapid transit station and the future LRT station.

Section 4.11 further references compatibility of new buildings with their surroundings through setbacks, heights, transitions, colours and materials, orientation of entrances, location of loading facilities and service areas, and podium design. The proposed development introduces a new high-rise apartment that conforms with the Official Plan and is consistent with the high-rise guidelines. The tower is setback 11.7 metres from the western property line to allow for future tower separation. The building has been designed with a unique and effective podium emphasizing four storeys along St. Joseph Boulevard with ground level commercial units facing the arterial mainstreet. The podium is reduced to three-storeys along Duford Drive with the significant grade change as you

climb the escarpment. The podium is setback 3.7 metres along St. Joseph Boulevard and there is a landscaped plaza proposed at the Duford intersection providing greater space for the pedestrian realm. Through the review process the building has been changed from a “flatiron” design to a slenderer tower. The resulting design is a taller building from the original proposal which was 12-storey and is now 16. A shadow and wind analysis was provided. There are no anticipated issues with wind. The size and location of the building will cast a shadow on St. Joseph Boulevard as the day progresses and will block summer sunsets for some houses located on Kennedy Lane at the top of the escarpment.

The site is not within an approved secondary plan. The St. Joseph Boulevard Corridor study just commenced in March 2020 and will guide future development in this area once it is completed and approved.

The Site Plan application will be submitted after the Zoning By-law is amended. Details regarding the landscaping of the front yard and corner plaza will be incorporated into the ultimate design of St. Joseph Boulevard. Additionally, the applicant may further explore minor changes to the proposal, such as, materiality changes playing with the visual perception of height and transition, which will be detailed and confirmed through Site Plan.

With respect to the proposed zoning details, they are as follows:

- The site is being rezoned from AM3 to AM3 [xxxx] S[yyy]. The exception would address the height and setback provisions for the proposed building.
- Schedule ‘YYY’ is recommended to ensure the positive design attributes of the high-rise building and setbacks, such as stepbacks after the podium, keeping the rear portion of the site as landscaped area, and maintaining desirable yard setbacks and patterns. Some flexibility has been built into to the schedule, such as the podium height along St. Joseph Boulevard, so that the intent of the development can be maintained but provide room to make minor design changes without triggering a zoning deficiency.
- Providing the 3.7 metre front yard setback allows some flexibility in the programming of this space to further enhance the pedestrian realm with a greater buffer from the street activity.

Section 37 Agreement

Pursuant to Section 37 of the *Planning Act*, the City may authorize increases in the height and density of development above the levels otherwise permitted by the Zoning By-law, in return for the provision of community benefits. The Official Plan (Section 5.2.1.11) states that limited increases will be permitted in return for the provision of community benefits as set out in the Zoning By-law, which shall be secured through an agreement registered on title, as per the *Planning Act*. The project must represent good planning.

The proposal is more than 7,000 metres squared in size and the requested density represents an increase of greater than 25 per cent from the permitted as-of-right zoning. As such, the owner is required to provide a Section 37 contribution. As discussed, in this report, planning staff are satisfied that the proposed development conforms with the principles and policies of the Official Plan, and relevant Council-approved design guidelines and that it represents good planning.

As set out in the Council-approved Section 37 Guidelines, the Ward Councillor, in consultation with the local community, will identify potential benefits to be considered for inclusion in a Section 37 agreement. Council will then give approval to the contributions and associated community benefits being secured as part of the approval of the zoning changes for increased height and density. Potential community benefits may also be determined through a secondary planning process.

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution, has been determined to be \$156,000. This contribution will provide the following:

- \$156,000 in a Ward 1 specific fund for improvements to public amenities in the surrounding area.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

The details of the Section 37 contributions are also contained within the Zoning By-law amendment (see Document 2). These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of

community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment. The implementing Zoning By-law will not proceed to City Council until such time as the agreement under Section 37 of the *Planning Act* is executed.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the Provincial Policy Statement of 2014 and 2020.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Luloff provided the following comment:

“This development would be an exciting addition to the housing mix in Orléans. This type of housing is currently non-existent in Orléans and diversity in our housing stock is sorely missed. With its proximity to transit as well as commercial and recreational amenities, this development would provide an opportune housing choice for many and set an important precedent in my community when it comes to revitalizing our main street. I am pleased that the applicant implemented many of the changes requested by the Urban Design Review Panel including improvements to the public amenity area and a slimmed down building mass. While it is unfortunate that the applicant was unable to maintain a public cut-through the property (an informal pathway has existed for many years), I hope they can provide community benefits in other ways such as rental units (rather than owner-occupied) and/or a selection of affordable units. I acknowledge that some residents in the immediate vicinity are opposed to this project and I have worked hard with the developer to ensure as many of their concerns were addressed as possible. Change in an established neighbourhood is difficult, there's no doubt about that. However, we need to ensure we are providing real housing options city-wide, especially in proximity to transit.”

LEGAL IMPLICATIONS

Should the recommendations be adopted and the resulting zoning by-law be appealed to the Local Planning Appeal Tribunal, it is anticipated that a three day hearing will result. It is anticipated that this hearing can be conducted within staff resources. In the

event that the zoning application is refused, reasons must be provided. Should there be an appeal of the refusal, it would be necessary to retain an external planner

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications associated with the recommendations of this report.

FINANCIAL IMPLICATIONS

In accordance with the Council-approved guidelines, the amount of the Section 37 contribution, has been determined to be \$156,000. This contribution will provide the following:

- \$156,000 in a Ward 1 specific fund for improvements to public amenities in the surrounding area.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

These community benefits will be secured prior to the issuance of the first building permit and details on final Section 37 contribution will be contained within the Section 37 agreement and will be indexed in accordance with the Statistics Canada Construction Price Index for Ottawa that applies to the type of community benefit being secured, calculated from the date of the Section 37 agreement to the date of payment.

In the event that the zoning application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning, Infrastructure and Economic Development's 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 the Site Plan Control application, in addition to circulation the Site Plan to the Accessibility Advisory Committee.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- EP2 – Support Growth of local economy.
- TM2 – Provide and promote infrastructure to support safe mobility choices.
- TM3 – Integrate the rapid transit and transit priority network into the community.

APPLICATION PROCESS TIMELINE STATUS

This application was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1	Location Map
Document 2	Details of Recommended Zoning
Document 3	Schedule YYY to Zoning By-law 2008-250
Document 4	UDRP recommendations - Second Formal Review September 6, 2019
Document 5	Proposal Concept
Document 6	Consultation Details

CONCLUSION

The proposed development introduces intensification through a high-rise building in a manner which conforms to the Official Plan and is consistent with the relevant design guidelines. The tower portion of the building is concentrated to the front of the site furthest from neighbouring low-rise residential properties, incorporates setbacks after the podium and upper storey, provides desirable yard setbacks, and uses appropriate in the built form context. The development has been designed to encourage active transportation use and is located within 600 metres walking distance of the Place d'Orleans Transit Station and future LRT station. The Zoning By-law amendment is recommended for approval.

DISPOSITION

Legislative Services, Office of the City Clerk, to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services department (Mail Code: 26-76) of City Council's decision.

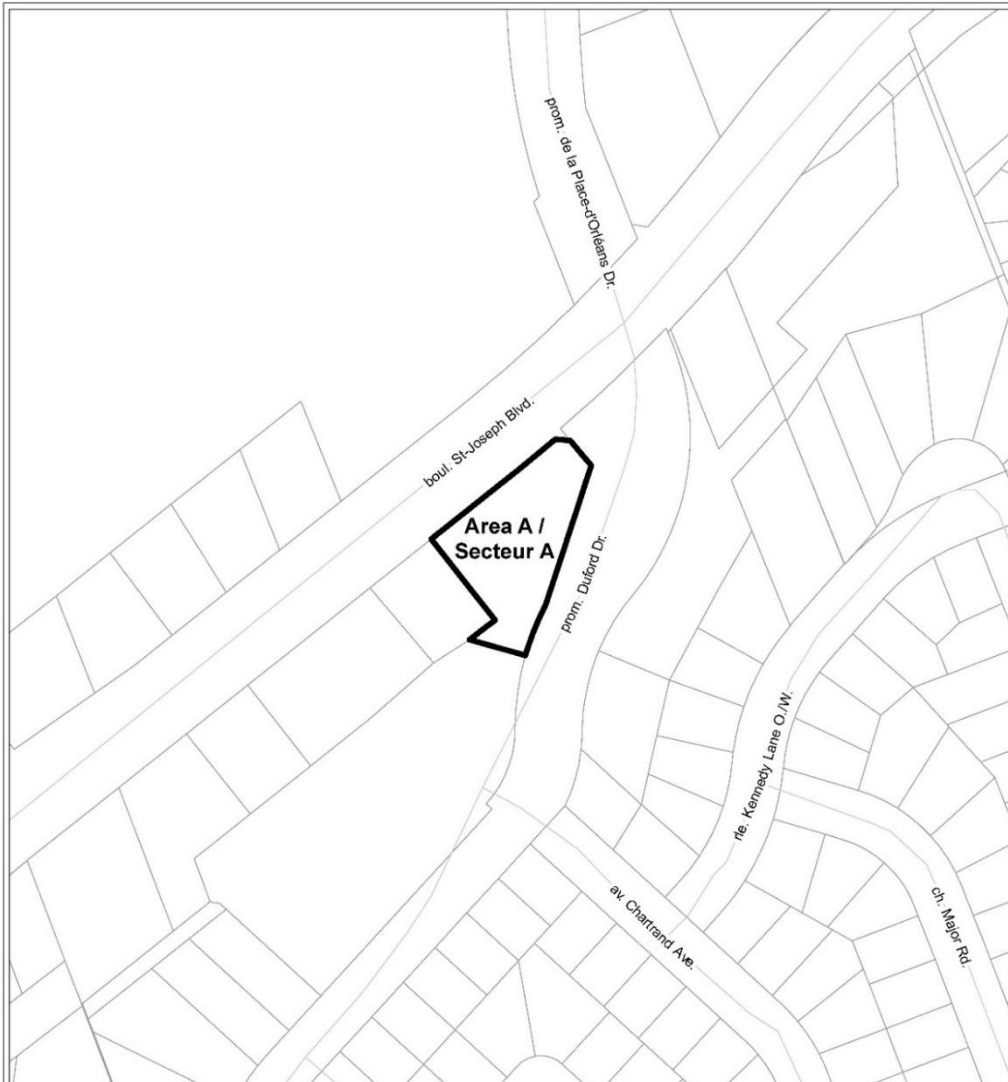
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Innovative Client Services Department, to forward the implementing by-law to City Council.

Planning Operations Branch, 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	
D02-02-17-0093	20-0657-L	3030 boul. St. Joseph Boulevard	
I:\CO\2020\ZKP\St_Joseph_3030\...3030_ZKP			Area A to be rezoned from AM3 to AM3 [XXXX] SYYY Le zonage du secteur A sera modifié de AM3 à AM3 [XXXX] SYYY
©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		Les données de parcelles appartiennent à Terranet Enterprises Inc. et à ses fournisseurs. Tous droits réservés. Ne peut être reproduit sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE	
REVISION / RÉVISION - 2020 / 07 / 27			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 3030 St. Joseph Boulevard is as follows:

1. Rezone the lands as shown on Document 1.
2. Amend Part 17, by adding a new Schedule “YYY” as shown in Document 3.
3. Amend Section 239, by adding a new exception [xxxx] with provisions similar in effect to the following, in Column V:
 - a. Minimum required yard setbacks, building setbacks, and maximum permitted building heights as per Schedule ‘YYY’.
 - b. Maximum building heights of SYYY do not apply to permitted projections under Section 65.
 - c. The following provisions dealing with Section 37 authorization apply:
 - Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by law including the provision by the owner of the lot of the facilities, services and matters set out in Section X of Part 19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in b. below of this by-law.
 - Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Section X of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.
 - Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement

has been executed and registered, such conditional provisions shall continue.

4. The following will be added as Section X of Part 19 of the Zoning By-law, will be titled 3030 St. Joseph Boulevard and will set out the facilities, services and matters that must be provided as per Section 37 of the *Planning Act*:

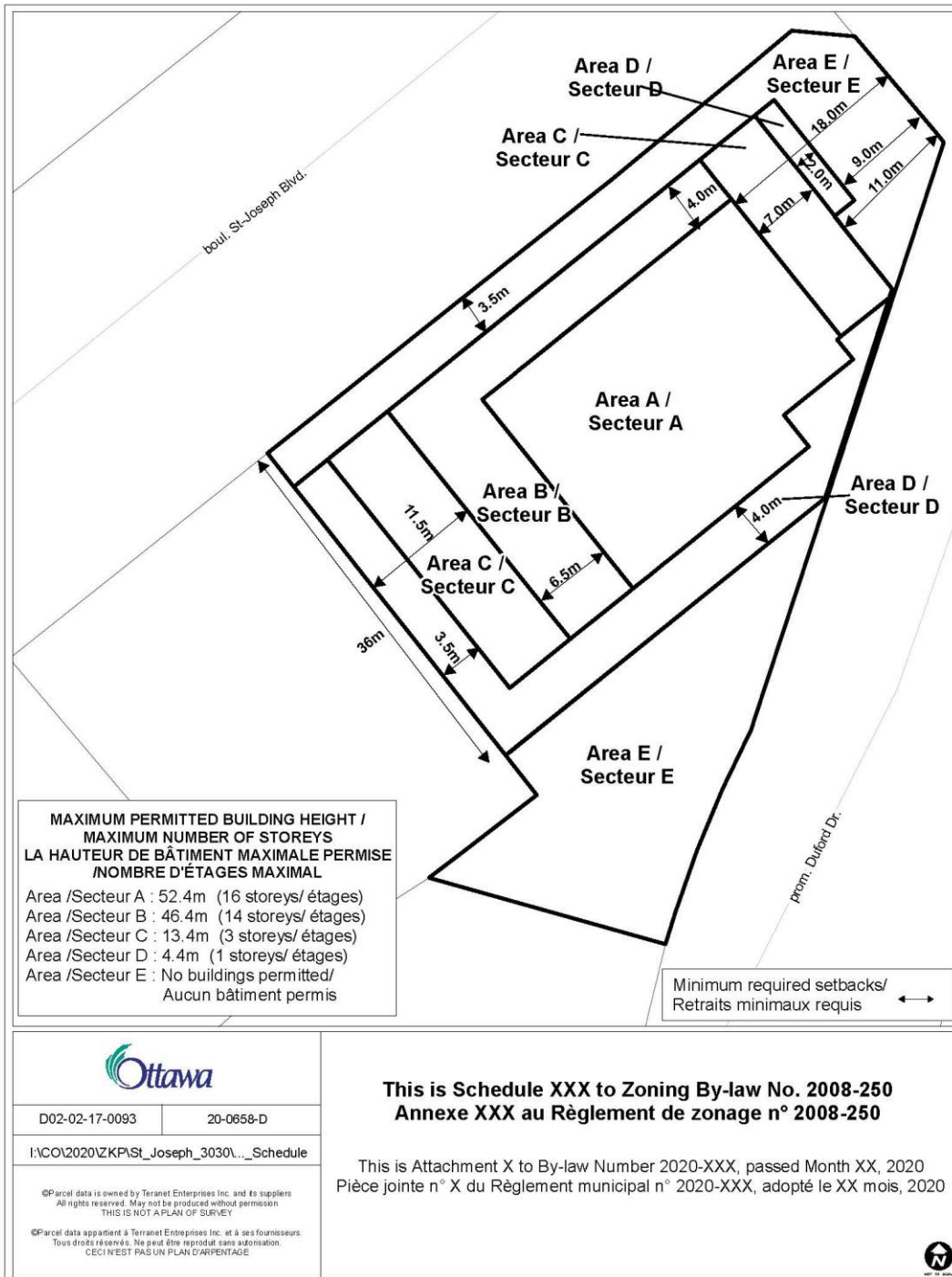
3030 St. Joseph Boulevard

- a) The City shall require that the owner of the lands at 3030 St. Joseph Boulevard enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Clerk and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$156,000 to the City. The specific benefits to be secured and provided are:
 - i. \$156,000 in a Ward 1 specific fund for improvements to public amenities in the surrounding area.

The exact details of the improvements are to be determined between City of Ottawa staff, the Ward Councillor and the community, subject to community consultation and concurrence by the Ward Councillor.

- b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.

Document 3 – Schedule YYY to Zoning By-law 2008-250



**Document 4 – UDRP recommendations – Second Formal Review September 6,
2019**

Summary

- The Panel understands that area is likely to intensify given its proximity to a future LRT station. In terms of compatibility, the Panel recognizes that creating a more slender tower has made the building less visually intrusive for the stable low-rise neighbourhood on the top of the hill as it creates less of a barrier for the distant views. However, the Panel suggest that a view assessment at street level is required to truly test visual impact of the building.

Massing

- The Panel recommends that a 750 square metres floorplate should be the maximum for this building. The less rectangular the building and more it becomes a point tower, the better the design will fit into the existing context the Panel appreciated the revisions by suggests that further slendering is possible.
- In order to further mitigate the visual impacts of the building, the Panel suggests terracing the building along an angular plane.

Architectural Expression

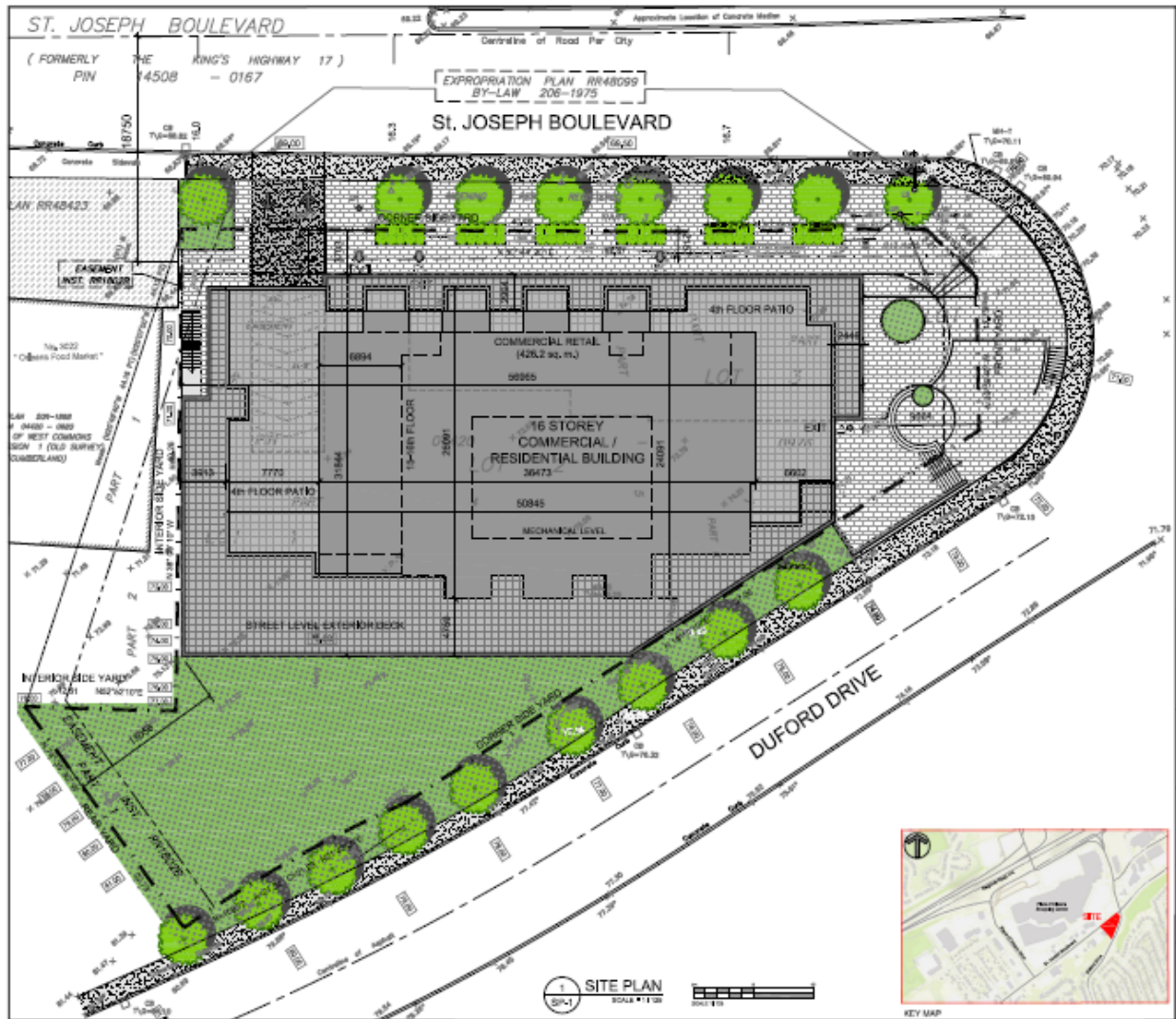
- The Panel generally appreciated the architecture and finds the building to be handsome. Elegant aspects of the design include the reveal floor above the podium, as well as the view of the building from the west.
- The Panel suggests using lighter materials that blend into the sky, as opposed to heavy and dark materials, as this will minimize the visual impacts. In order to simplify the design, consider light coloured metal panels.
- The Panel recommends that feature element is required at the corner to acknowledge that this is an important moment in the neighbourhood. The previous design includes a 'nose' that fit well into the context.

Podium, Public Realm and Connectivity

- The Panel believes the podium is a strong gesture that helps the building fit into the St. Joseph Boulevard streetscape.
- In order to add porosity to the block, the Panel suggests working with the City to introduce a pedestrian connection that will benefit the neighbourhood. Despite concerns regarding liability and maintenance a linkage that replaces the existing desire line can provide an important benefit.
- The Panel recommends ensuring the Privately Owned Public Space provides enough community benefit by adding trees and enough seating. There are significant opportunities at the corner, however the grade of the site does create challenges, particularly for accessibility. Community space that is contiguous with public space is needed.
- The Panel suggest allowing the wooded area to act as a natural amenity for the residents. Some options include a terraced garden, or a small conservation area. This natural area can become part of the Streetscape.
- The Panel suggests the podium, which currently does not wrap the building could provide a better integration with the hill if it did. The Panel suggests that the podium needs to acknowledge the different condition on this side of the site while still relating to the street.

Document 5 – Proposal Concept

Site/Landscape Concept



St Joseph Boulevard Renderings



Visibility of the proposed building from within the Queenswood Heights Neighbourhood.



Document 6 – 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.

On January 24, 2018, a public meeting to discuss the proposal was held in the community by the Ward Councillor at the time and the applicant, and approximately 125 individuals attended. The applicant presented an overview of the proposal and responded to audience questions. The Majority of the time focused on questions from members of the public. Staff attended the meeting to field questions on process and next steps.

Councillor Luloff organized a public open house following the resubmission of the application with a revised proposal. The meeting was held on November 13, 2019 and approximately 55 individuals attended. The format of meeting was an open house with different stations covering topics such as Architecture and Design, Urban Planning, Transportation and Geotechnical.

During the application review process, approximately 72 individuals/groups commented on the proposed development. The Majority of the comments expressed opposition to the proposal and flagged concerns such as height and density, affordable housing, slope stability, parking, viability of commercial space, traffic and transportation. Few comments were submitted in support of the proposal.

PUBLIC COMMENTS AND RESPONSES

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

Support/Neutral

- The City should amend zoning bylaws to allow taller buildings in the City. Density is the key to building a more liveable city, as it allows more residents to be within transit, walking, or cycling distance from work and leisure destinations. We cannot reduce our reliance on cars if we keep building outwards instead of upwards.
- Good idea. Support the rezoning.
- There is a need to diversify the housing options in the Orleans community.

Response:

The application is recommended for approval as detailed in this report.

Affordable Housing

- Zoning change should only be granted on condition of providing at least 30 per cent affordable housing units. Ensure mix of people who can live near transit stations.

Response:

The applicant is planning for the building to be rental. The development is not subject to any required inclusion of affordable housing.

Height and Density

- The size of the development exceeds the current zoning. The planned development is significantly larger than any other development in Orleans.
- The proposal is much higher than what zoning permits. The City must require significant density bonuses.
- The proposal far exceeds the zoning and direction for four-six storeys.
- We support increased density near the transit way, but it should be in character with the neighbourhood.
- High-rises are not needed to get intensification. Orleans is suffocating. Traffic is bad, there is no street parking, cars will be parking all along Duford Drive and in the residential neighbourhood, the quality of life is diminishing.

Response:

The height and scale of the building was reviewed in accordance with Official Plan, and key design guidelines as discussed in the report. St. Joseph Boulevard is an Arterial Mainstreet which represents a significant opportunity for intensification, and the specific policies allow for the consideration of taller buildings where a Major Urban Facility abuts the site. The tower portion of the building is set away from the neighbouring low-rise residential properties with the nearest property at least 60 metres away. The rear portion of the development site includes a landscaped area that will remain natural.

The yard setbacks provided are consistent with the with similar developments in other areas experiencing intensification, and the podium has been designed to positively respond to the urban context found on arterial mainstreet. The site is also located within 600 metres walking distance of the Place d'Orleans rapid transit station and is consistent with the policy framework for considering taller buildings.

Compatibility

- The development, while appropriate for an urban centre, is not appropriate for a residential neighbourhood. It is notable that even the newer developments in Orleans do not include buildings of this size.
- The size of the building is worrisome as it would block their current view and in some instances significantly diminish the value of their property. It will potential decrease in residents quality of life both during the construction phase but also with the resulting change the high-rise would bring to the neighbourhood.
- Residents are not only strongly opposed to the proposed 16 storey development, but also strongly oppose the existing zoning which allows for an eight-storey development. Related to that zoning, the residents request a formal re-assessment of the zoning to allow an eight storey structure, given that many of the residents currently in Queenswood Heights who lived in the neighbourhood when it was zoned were not aware of the zoning. Newer land-owners would also request a re-assessment of the zoning due to the concerns outlined above.
- During the first informal community meeting, the City of Ottawa indicated their support for intensification of land within one kilometre of the new light-rail stations. Should the City of Ottawa assert that the property at 3030 St Joseph Boulevard could be located within one kilometre of the light-rail station that is scheduled to be built at Place d'Orleans, the residents kindly request that all survey information related to the measurement of the station to the property be shared, as well as all other measurements taken for all the light rail stations, for comparison purposes

Response

There are only a few high-rise buildings in Orleans. However, the City's intensification policies apply across the urban areas of the City. The subject site is on the edge of the Orleans Town Centre and at the end of the St. Joseph Boulevard Arterial Mainstreet. Intensification is directed by the Official Plan to occur in these designations and over

time mid-rise buildings can be developed all along the Arterial Mainstreet as of right. The existing built form does not truly reflect what the Planning context will allow in the future.

The Official Plan has policies that limits large or tall building from established neighbourhoods. The site is not within the established Queenswood Heights community. So, the policies differ between the two areas.

This site is on the edge of the two planning designations and needs to be sensitive to the residential neighbourhood and act as a transition between the low-rise subdivision and what could be developed in the Town Centre in the future. The proposed architecture has changed significantly from the original submission to address the visual impact of the building. The building is now more slender and orientated to St. Joseph.

Precedence / Consistency / Secondary Plan

- Development in this area is out of context with the plan and existing development.
- The City continues to approve intensification in Orleans without also supplying much-needed services, like a community centre and pool.
- Approval for zoning changes should wait until a new secondary plan has been made for the neighbourhood so we can do this in a smart way, not a haphazard one.

Response:

Orleans has not experienced many high-rise developments. However, with the construction of the LRT line, more intensive developments will become more common.

Every application is considered on its own merits and reviewed as such in reference to applicable policy in effect. Approval of 3030 St. Joseph will not set a precedent for allowing high-rise development; the Official Plan encourages and supports this type of development at such locations. From an urban design perspective, the podium treatment (six-storeys along Scott), will be consistent with other developments and streetscape characteristics.

Under the authority of *Planning Act*, the City has an obligation to review development applications in a timely manner. While it would have been ideal to review the application parallel to the St. Joseph Corridor Planning Study, the study is in the early stages of review relative to this application, with no justification to hold up the review. The proposed land use, height and built form conform with the policy framework in effect.

Traffic / Transportation

Traffic volumes

- Currently on Duford are already high, and the traffic calming measures in place have simply diverted traffic from Duford and Chartrand to the more residential streets.
- The building should not be allowed with only 85 parking spaces. The 165 tenants will need a car and that property should look after their own required parking rather than dumping them onto the streets for all others to accommodate.
- During the estimated two-year construction, traffic flow along St. Joseph and Duford will be interrupted.
- St. Joseph Boulevard already has a lot traffic making at this intersection in the rush hour. Cars coming and going from his building will interfere with the flow and possibly cause accidents.
- The parking entrance should not be allowed so close to the intersection.
- There are existing problems with snow and ice on Duford Drive.
- The traffic study shows that the St. Joseph Boulevard and Place d'Orleans intersection is already failing.
- Many more parking spaces should be required for the residents and patrons of the businesses.

Response:

The Official Plan encourages intensification and development where there are opportunities to support alternative modes of travel, other than a private automobile. The site is located less than 600 metres from a transit station.

The Traffic Study indicated that east and west bound flows of traffic can accommodate the proposed volumes from this building. The study indicated that there is an existing problem with south bound traffic making left turns from Place d'Orleans. Additional traffic from this proposal is not anticipated to make this situation worse.

It is proposed that only right in and right out movements will be allowed from St. Joseph Boulevard to this site. Additional review and analysis of the traffic and parking will take place at the time of Site Plan Control, which has yet to be submitted.

Slope Stability

- There was a slope failure along Duford Drive. The whole hillside consists of sensitive marine clays that will become unstable if disturbed.
- There are concerns about landslides during the development of the project any new blasting/digging and other construction related undertakings could damage foundations and properties of the surrounding homes.
- If they do any blasting for underground parking the whole escarpment will liquify.

Response:

The geotechnical engineers have done additional testing with cross sections that extend south of Duford Drive. They have indicated that the slope stability can be addressed during the construction with shoring and that building is not anticipated to create any instability to the slope. Any excavating and blasting will need to be carried out using best practises and need to follow required regulations.