

CHNA 1081 Carling Subcommittee Community Webinar (March 2, 2023)

Preparing your response to the City of Ottawa Planning and Housing Committee

Panel:

CHNA Chair: Karen Wright

Subcommittee Chair: Tanis Halpape

Subcommittee Vice Chair: Nicholas Eisner

Guest: Jeff Leiper

Summary of Questions and Answers:

1081 Carling Proposal - General:

Q: When the review panel (Urban Design Review Panel) recommended one tower, did they comment on the maximum height?

While the panel stated that the proposed [tower on the west side is too large](#), it does not comment on the maximum height. One of the main concerns of the panel is the lack of transition to the well-established community to the north (as demonstrated by the 45 degree angular plane analysis discussed earlier).

Note: While this panel is made up of experts and architects in the field, their role is to provide objective professional insight only. The planning committee does not need to accept their recommendations.

Q: Can the Hamilton dead end be removed by the developer? How can the barrier be kept in place? (46, 48 mins)

The developer's rezoning application does not include the removal of the barrier. However, if the rezoning is approved and the application moves forward to the site plan phase, then the developer may put forward different options involving the barrier. The CHNA's position at this time is that the barrier should not be removed.

Note: The process is currently in the **rezoning application phase**, which focuses on the appropriate size and use of the development within the context of the Official Plan. Should the rezoning application be approved, then the process will move into the **site plan phase**, which focuses more on the technical aspects of the proposal.

During the site plan phase, the developer will not have a formal mechanism to ask for the removal of the barrier. However, they could suggest that a certain configuration would work better for them — for example, that the location of the loading zone be contingent on the barrier being removed. The city's

right-of-way staff would then become involved, and the CHNA would have an opportunity to argue for or against removal of the barricade.

At this point, the CHNA could bring forward its argument/comments on the:

- Site plan
- Placement or removal of the barrier

Q: If the barrier is not removed on Hamilton, how would the lot be serviced? Would it be from Carling? (57 mins)

It is hypothetical at this point because we are currently in rezoning application phase (see above).

Q: Why is the back and forth between the City planning department and the developer not available as a summary to the general public? (51 mins)

The city planner and the applicant are discussing subjects that are considered *competitively sensitive*, which means that the discussions at this point are held privately (i.e. not a public consultation). The discussions can be requested through access to information, but any sensitive material would be removed.

Note 1: During this phase, it's possible that the planner will provide recommendations to decrease the size of the application but still approve the application based on a balance of other considerations.

Note 2: The CHNA made a request for information regarding these discussions but was told that it could not be provided. However, the city provided copies of all community member submissions to the applicant at this time.

Q: If Taggart's revised proposal is denied and escalated to OLT: i) Do they have to seek approval of the revised proposal? (54 mins) ii) Do citizens have input to the OLT deliberations? (56 mins) iii) Is the OLT generally more hawkish than OC Council?

If the city refuses the applicant's proposal, then the applicant would be submitting an appeal of this decision to the Ontario Land Tribunal (OLT). While the OLT is not generally open to citizens, input at the community level is often provided through hired professionals (e.g. legal, planners and other experts).

The OLT would consider the application within the context of the City's Official Plan and [Transportation Master Plan](#). It would then be open for the OLT to make all kinds of modifications to the proposal.

Note: The site location on Carling justifies treating it as "adjacent to higher-order transit".

Q: What are the legal and other precedents for 1. Overturning and 2. Meaningful modifications in cases like this? (54.48)

The OLT tends to uphold developers. However, a critical aspect is whether the **planner recommends approval of the application or not.**

Scenario 1 - When the planner **recommends approval** but council disagrees with the planner and refuses the application:

- Generally, what happens in this case is that the developer will appeal the council's refusal and go to the OLT. They will then subpoena the planner to speak against the council decision. By and large, the developer wins in these situations.

Scenario 2 - When the planner **recommends refusal** and council agrees with the planner and upholds the recommendation:

- Although the developer will still likely appeal to the OLT, they are more likely to lose, as the OLT provides significant deference to the views of experts.

Q: Why is this design being used? (47 mins)

Other than what is provided in the applicant's [Planning Rational and Design Brief](#), the subcommittee does not have a lot of information. Members of the subcommittee met with the developer's President and Vice President and their planning bodies on the application, but additional information relating to the design was not provided during those meetings.

Q: Will the CHNA lawyer be making a presentation as well? If she has additional points on how this is inconsistent with the plan and the policies will this be available to us? (57:37)

Yes. The CHNA's lawyer is an expert in municipal law. Her submissions to date have been based on the requirements outlined in the 2003 Official Plan, Provincial Policy Statement, 2020, and the City's Urban Design for High-Rise Buildings ([High-rise Guidelines](#)), with her analysis outlining how the application does not conform to specific requirements in these documents.

If the submission goes to Planning Committee, the lawyer's presentation will focus on the technical aspects of the presentation.

Note: There may be a need for additional fundraising. Funds raised will support costs for legal counsel and for the engagement of any other experts that we may need. Please refer to the CHNA website and stay tuned for upcoming events.

Q: Can the existing Civic Hospital redevelopment plan be used as a means to stalling the rezoning? (59 mins)

No, the Civic Hospital Redevelopment Plan is a separate application, and it is the Official Plan which describes what kind of zoning is applicable for a particular site.

Note: The 1081 Carling application was made under 2003 Official Plan (not the [new Official Plan](#)). It is therefore important that the community base their arguments on the requirements outlined in the former Official Plan.

Q: Have we made the point that Parkdale does not satisfy the usual criteria for an arterial road?

Parkdale is designated as an arterial road on Schedule E of the Official Plan. However, we have submitted to the city that it is not designated as an Arterial Mainstreet on Schedule B of the Official Plan. As a result, the Official Plan does not support high levels of intensification along Parkdale Avenue

Carling Avenue is designated as an Arterial Mainstreet on Schedule B of the Official Plan and Schedule D of the Official Plan notes that a future LRT station (post-2031) is planned adjacent to the Subject Lands. However, Parkdale Avenue has no such Arterial Mainstreet designation, nor is Parkdale designated as a transit priority corridor on Schedule D of the Official Plan.

Q: Is the location considered near to mass transit? There are no confirmed plans for light rail on Carling (that I am aware of)

Schedule D of the Official Plan notes that a future LRT station (post-2031) is planned adjacent to the Subject Lands on Carling. However, no financial or formal commitment to such a project has been made at this time by the City of Ottawa.