

PLANNING RATIONALE

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7 July 2016

FOTENN

Krista Libman
Secretary Treasurer
Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive, 4th Floor
Ottawa, ON K2G 5K7

RE: 122 DALY AVENUE, MINOR VARIANCE APPLICATION

Dear Mrs. Libman,

FOTENN Consultants Inc. has been retained by Omkar Atwal (the “Owner”) to prepare and file a Minor Variance application for the lands municipally known as 122 Daly Avenue in the neighbourhood of Sandy Hill, Ottawa. The Minor Variance is to permit the construction of an eight (8) unit low rise apartment building. To this end, please find the following materials enclosed in support of the application.

- Four (4) copies of this cover letter explaining the Minor Variance Application;
- Three (3) copies of the completed application form;
- Four (4) full size copies and one (1) reduced copy of the Survey Plan prepared by Annis, O’Sullivan, Volle bekk Ltd.;
- Four (4) full size copies and one (1) reduced copy of the Architectural Plans prepared by Robertson Martin Architects;
- A cheque in the amount of \$2,230.00 payable to the “City of Ottawa”.

SUBJECT PROPERTY AND SURROUNDING AREA



Figure 1: Location Map

THE SITE

The site is legally described as Part Lot 9 Registered Plan M6, City of Ottawa and is municipally known as 122 Daly Avenue. The site has approximately 30.17 metres depth and 20.11 metres frontage along Daly Avenue for a total site area of 607 square metres as depicted in Figure 1. The site is currently occupied by a two-storey single-detached dwelling which falls within the Sandy Hill Heritage Conservation District.

SURROUNDING AREA

The site is located on the south side of Daly Avenue, just west of King Edward Avenue, in the neighbourhood of Sandy Hill West. The area surrounding the site is characterized by a mix of land uses and building typologies including mid-rise residential buildings, hotels, and several institutional buildings. Gradual infilling has occurred on small and medium sized lots over the last decade. Examples of this include the four (4) storey residential building that is found directly east of the site located at the intersection Daly Avenue and King Edward Avenue, and the high-rise mixed-use building that is located just south of the corner of King Edward Avenue and Besserer Street, which is found one (1) block north of the site.

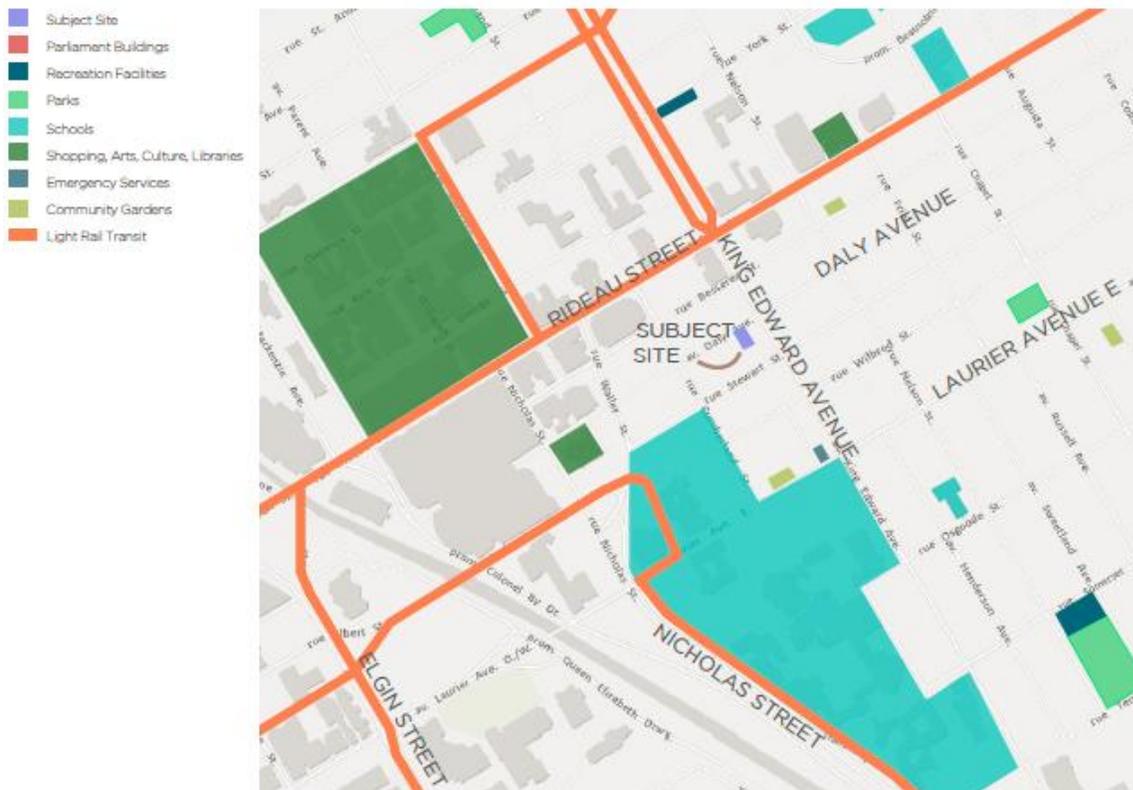


Figure 2: Context Map

The surrounding uses can be described as follows:

North: To the north of the site is a two (2) storey church located at the intersection of Daly Avenue and King Edward Avenue that includes a communal amenity rear yard amenity space and a social services centre within the building. There are also several local bus stops to the north of the site that are located on Rideau Street. Further north are several high-rise mixed-use and residential buildings including a University of Ottawa residence building. The Ottawa Little Theatre and Byward Market are also located further north of the site.

South: To the south of the site, along the north and south side of Stewart Street is a mix of semi-detached dwellings, townhomes, and low-rise apartment buildings that range

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between two (2) to three (3) storeys in height and appear to have been constructed in the last 50 years. An off-road dedicated bicycle lane is also found along the north side of Stewart Street. The University of Ottawa Campus is also found further south of the site.

East: Directly east of the site is a four and a half (4.5) storey residential building that appears to have been constructed within the last 2 years. Further east of the site is the Rideau River and Strathcona Park which runs north-south along Range Road and includes a collection of mature trees and designated pathways for pedestrians and cyclists. There is also an on-road multi-use pathway further east of the site along Range Road.

West: Directly west of the subject site is a three (3) storey residential unit on the south side of Daly Avenue that appears to have been constructed in the last 50 years. Daly Avenue showcases a collection of uses, a range of building typologies, minimal setbacks and heights ranging between two (2) to four (4) storeys. (I would take this out because these are actually quite far from this site). Approximately 500 metres north of the site, the Mackenzie King Station and the Transitway provide both local and rapid transit service to the Central Business District and surrounding area. There is also an on-road multi-use pathway further west of the site along Colonel-By Drive.

TRANSPORTATION NETWORK

Active Transportation

The site is located within 100 metres of several bus stops with access to bus routes 7, 12, 14, 16 and 18. The site is also located approximately 500 metres west of Mackenzie King Station, which is a major rapid transit station on the Transitway. Additionally, the site is ideally located between Rideau Station and Campus Station, which are both planned as rapid transit stations on the first phase of the Confederation Line, the City's future light rail network. As described earlier, the site is also well serviced by off-road bicycle lanes to the south on Stewart Street and multi-use pathways to the east on Range Road.

Road Network

The site is well served with the existing road network. The site is located directly west of King Edward Avenue, an existing Arterial Road on Schedule F of the Official Plan. The site is also within close proximity to Laurier Avenue which is also identified as an existing Arterial Road on Schedule F of the Official Plan. The site is also located approximately 2.0 km north of the Highway 417 which can be accessed by heading south on King Edward Avenue.

PROPOSED DEVELOPMENT

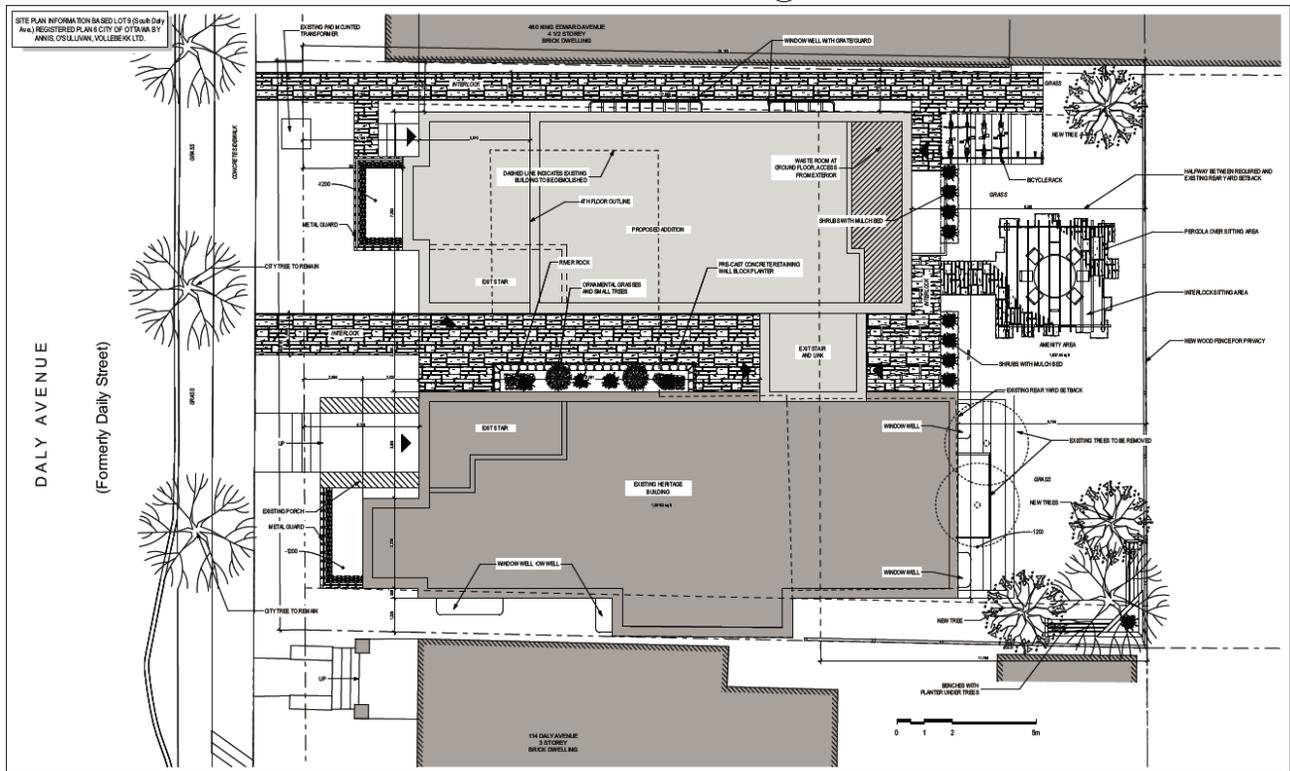


Figure 3: Proposed Site Plan

The Applicant is proposing to construct a four (4) storey residential addition to an existing heritage building that is 11.738 metres in height and would contain a total of eight (8) units. The development proposal will have four (4) access points; the main entrance off of Daly Avenue, a side yard entrance, a rear yard entrance, and an entrance off the link between the existing building and the proposed addition. No parking is proposed for the development and the existing driveway will be removed, enhancing the Daly Avenue streetscape. A total of six (6) bicycle parking spaces are provided at the rear of the development and can be accessed by a narrow walkway from Daly Avenue.

The proposed development will have a number of landscaped areas which will enhance the public realm and provide screening for the residential uses behind the site. The existing trees located in the front yard along Daly Avenue will be retained and four (4) additional trees will be planted in the rear yard. The rear yard will also feature a landscaped seating area with a pergola and several planters as private amenity space for future building tenants. Additional plantings are proposed adjacent to the existing heritage building along the proposed pathway.

The proposed development incorporates architectural elements that complement the existing structure and surrounding area. The proposed addition has been designed to provide an appropriate transition from the adjacent four storey residential building at the corner of King Edward Avenue and the existing heritage building and other low-rise buildings along the street. The overall design has been developed with the objective of respecting the Sandy Hill Conservation District through various discussions with City Planning and Heritage Staff. The plans have received support from the Built Heritage Sub-Committee, Planning Committee and a Heritage Permit from City Council.

POLICY AND REGULATORY ENVIRONMENT

PROVINCIAL POLICY STATEMENT (2014)

The Provincial Policy Statement, under the authority of Section 3 of the *Planning Act*, provides policy direction on matters of provincial interest related to land use planning. As such, decisions affecting planning matters *shall be consistent* with policy statements issued under the act.

A fundamental tenet of the PPS is the intensification of built-up areas to efficiently use land with existing infrastructure and public service facilities to avoid the need for unjustified and uneconomic expansion. As a result, planning authorities must identify and promote opportunities for intensification and redevelopment [Policy 1.1.3.3]. In addition to meeting the fundamental tenet of the PPS of concentrating growth within the urban area where infrastructure is available, the proposed development meets the following Provincial Policy interests:

- / Promotes efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term [Policy 1.1.1.a];
- / Promotes cost-effective development standards to minimize land consumption and servicing costs [Policy 1.1.1.e];
- / Ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs [Policy 1.1g];
- / Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas* [Policy 1.1.2]
- / Identifies and promotes opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock and areas [Policy 1.1.3.3];
- / Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form [policy 1.1.3.4]
- / Directs development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs [Policy 1.4.3.c];
- / New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities [Policy 1.6.8.3].

CITY OF OTTAWA OFFICIAL PLAN 2003, AS AMENDED

LAND USE

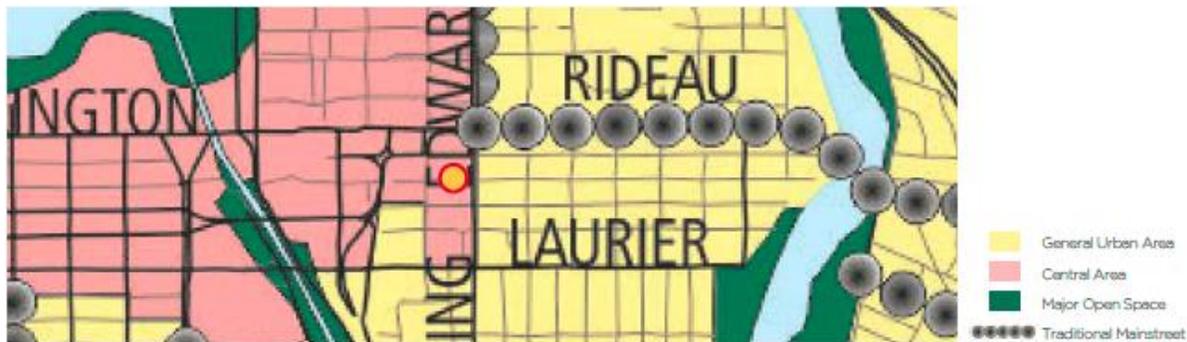


Figure 4: Schedule B, Urban Policy Plan

The property is designated General Urban Area on Schedule B – Urban Policy Plan in the City of Ottawa Official Plan as shown in Figure 4. The General Urban Area designation permits the development of a range and choice of housing types to meet the need of all ages, incomes and life circumstances, in combination with conveniently located employment, retail, service, cultural, leisure, entertainment and institutional uses. The purpose of this designation is to facilitate the development of complete and sustainable communities.

The Official Plan supports infill development and other intensification within the General Urban Area in a manner that enhances and complements the desirable characteristics and ensures the long-term vitality of the many existing communities that make up the city. The General Urban Area permits low-rise development in multiple housing forms including: duplexes, triplexes, and low-rise apartment buildings as a means of intensification. Building heights and uses within this range will be evaluated based on compatibility with the existing context and the planned function of the area. Policies within the Official Plan also indicate that the City will promote opportunities for intensification in areas that are within 600 metres of future or existing rapid-transit stations.

BUILDING LIVEABLE COMMUNITIES

In support of lively and complete mixed-use communities, the City's growth management strategy includes intensification of development in the urban area over the next 20 years. The Plan recognizes that introducing new development in existing areas that have developed over a long period of time requires a sensitive approach and a respect for a communities established characteristics.

Compatible developments are developments that, although not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhance the established character of a community and coexist with existing development without causing undue adverse impact on surrounding properties.

The City influences the built environment through the use of design objectives set out in Section 2.5.1 that are broadly stated and intended to apply to new development.

The proposed development meets the following applicable objectives in Section 2.5.1 of the Official Plan:

- Enhances the sense of community by creating and maintaining places with their own distinct identity;
- Define quality public and private spaces through development;

- Creates places that are safe, accessible and easy to get to, and move through; and
- To consider adaptability and diversity by creating places that can adapt and evolve easily over time and that are characterized by variety and choice.

The proposed design program successfully achieves the following:

1. It enhances the sense of community and creates a sense of identity:
 - The proposed building provides a bold architectural gesture with a modern juxtaposition to its heritage form/
 - The proposed building will accommodate a modest increase in the population on a short street. Successful communities and streets require a minimum threshold of population base to facilitate regular neighbourhood interaction and communal interest.
2. It defines quality public and private spaces:
 - The development proposal orientates the principal façade and main entrance of the building to the street.
 - The development proposal uses architectural elements such as building massing, varied setbacks as well as existing features such as the balcony to accentuate the main building entrance.
 - The development proposal connects the entrance to the sidewalk with several well-defined pedestrian walkways.
 - The proposed building provides occupants with quality amenity space in the rear yard, and a private balcony on the fourth floor.
3. It creates places that are safe, accessible and are easy to get to and move through:
 - The proposed building has been designed to be universally accessible.
 - The proposed building has been designed with significant glazing into the living areas of units that will maximize overlook into the surrounding public spaces supporting the notion of 'eyes on the street'. Lighting for the proposed building will be strategically located and oriented to ensure safety for building residents at all points of ingress and egress.
4. It respects the character of existing areas:
 - The development proposal creates a sense of human scale through architectural massing and extensive detailing on the main level of the building to provide greater visual interest in the pedestrian realm. This is achieved through the use of a variety of material finishes including brick, concrete and glazed doors at the front entrances.
 - At four (4) storeys in height provides an excellent transition from the residential building along the eastern portion of the site (4.5 storeys) to the neighbouring two (2) storey residential dwelling.
 - The proposal has been designed to be sensitive to the adjacent heritage building with complimentary materials and increased setbacks at the street level.
5. It defines quality public and private spaces:

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- The development proposal includes a number of environmentally sustainable initiatives such as environmentally friendly building materials, and building processes.
- The development proposal preserves native tree and plant species that will be complimented with the planting of new trees in the rear yards.
- The development proposal will establish landscape features that are consistent with surrounding micro-climate and native species.

As depicted earlier in this report, surrounding buildings typically range between two (2) to four (4) storeys in height, with a variety of uses, sizes and architectural styles including mainly traditional design. Materials such as siding, brick and corrugated steel are used on surrounding buildings. The portion of Daly Avenue on which the subject site is located is a two-way, two-lane street with a sidewalk on both the north and south side. The lot fabric is varied; on the south side of Daly, there are quite a few residential dwellings located on narrow lots, while on the north side of Daly, lots are generally larger in size and occupied by hotels, churches as well as residential buildings. Street trees line the north and south side of Daly and are typically located between the sidewalk and the street. Generally, parking is located in the rear and side yards, and underground for other buildings on the street.



Figure 5: Proposed Development

The proposed residential building will transition from a four (4) storey addition to the existing two (2) storey heritage building which will be restored as part of this development application. The facades of the proposed addition will be articulated with significant glazing, and a variety of materials. The proposed building has been designed with substantial glazing into the residential units that will maximize overlook into the surrounding public spaces supporting the notion of ‘eyes on the street’. The front yard setback along Daly Avenue is consistent with the adjacent properties which will define the street edge. Lighting for the proposed building will be strategically located and oriented to ensure safety for pedestrians at all points of ingress and egress. The proposed development respects the street’s character, and seeks to establish a strong standard for new development with high-quality design, and enhanced landscaping.

There are two (2) main entrances as well as an exit stair link proposed along Daly Avenue that are accessible by foot. While the entrance located on the eastern portion of the

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building façade provides an entrance for units located in the proposed addition, the entrance located on the eastern portion of the façade provides an entrance for the remaining units on the existing two (2) storey residential dwelling. The front entrances are articulated by a variety of architectural features including glass doors, a stairway, and columns for visual interest. The entrances are in keeping with the surrounding character of the neighbourhood and will animate the Daly Avenue streetscape. The proposal balances the planned function of the area with sensitive and appropriately scaled building design that responds to the existing built context.

The proposal builds upon desirable established patterns and built form and contributes to the variety of housing options available in the neighbourhood. Furthermore, the development is in close proximity to several neighbourhood services and has direct access to transit and cycling routes, rendering it an ideal location for infill and intensification.

Compatibility

To arrive at a compatibility of scale and use requires a careful design response that appropriately addresses impact generated by infill or intensification. Policy 2 of Section 4.11 establishes criteria to evaluate the compatibility of development applications. The proposed development meets the compatibility criteria as follows:

<i>Parking Requirements:</i>	Although vehicular parking is not required, six (6) bicycle parking spaces are provided on-site in the absence of vehicular parking.
<i>Outdoor Amenity Areas:</i>	Communal amenity space is proposed in the rear yard of the proposed development. Deciduous trees, shrubs, seating areas and a shade structure will be introduced resulting in a valuable respite space for residents. There are also five (5) balconies proposed.
<i>Loading and Service Areas, Outdoor Storage:</i>	All service areas for the proposed building have been located in an enclosed and screened space and will not impact on the surrounding properties.
<i>Lighting:</i>	Lighting will be designed and installed to provide a safe and secure environment while meeting the City's requirements and ensuring no significant impacts on adjacent properties.
<i>Noise and Air Quality:</i>	No significant impacts related to noise or air quality are expected as a result of the proposed development.
<i>Sunlight:</i>	The proposed development is not anticipated to have significant shadow impact on surrounding properties.
<i>Microclimate:</i>	No significant microclimate impacts are anticipated as a result of the proposed development.
<i>Supporting Neighbourhood Services:</i>	The proposed development is located in close proximity to several neighbourhood amenities including markets, parks, offices and the University of Ottawa Campus. Bicycle lanes to the east, south and west provide some cycling options for access into different parts of the neighbouring Communities and the City's Central Business District. Several bus stops are in close proximity to the site and provide easy access on the City's Transitway.

CITY OF OTTAWA OFFICIAL PLAN AMENDMENT 150

In 2013, the City of Ottawa reviewed its Official Plan resulting in numerous policy changes. Ottawa Council adopted Official Plan Amendment (OPA) 150 in December 2013, receiving Ministry of Municipal Affairs and Housing approval April 24, 2014. As OPA 150 is currently under appeal, the current policies of the City of Ottawa Official Plan 2003, consolidated May 2013 remain in full force and effect. Despite this, the relevant policies of OPA 150 have been considered below because this is a Council-approved document.

General Urban Area Designation

OPA 150 continues to designate the site as General Urban Area, with a maximum height of four (4) storeys. The City supports intensification in the General Urban Area where it will complement the existing pattern and scale of development and planned function of the area. The predominant form of development and intensification will be semi detached and other ground-oriented multiple unit housing. When considering a proposal for residential intensification through infill or redevelopment in the General Urban Area, the City will:

- / Assess the compatibility of new development as it relates to existing community character so that it enhances and builds upon desirable established patterns of built form and open spaces;
- / Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles throughout the General Urban Area;

As discussed in the Official Plan section above and reiterated in the Urban Design Guidelines section below, the proposed development will enhance the established built form pattern of Daly Avenue and the public right-of-way. The modern design is appropriately-scaled, as it provides an ideal transition from the single-detached housing to its south, while referencing the newly developed mixed-use building to its north. Ample glazing is provided to avoid blank walls, while thoughtful landscaping is provided along the front, rear and side facades. Both one-bedroom, two-bedroom and three bedroom units will be offered, to ensure a variety of housing types and demographics.

Sections 2.5.1 & 4.1.1

While Section 2.5.1 remains largely unchanged in OPA 150 except to provide more flexibility in how its objectives are addressed, Section 4.11 has been significantly modified. As such, Table 1 below assesses the proposed development with regards to the relevant policies of the revised Section 4.11.

Table 1. Demonstrating compliance with the revised Section 4.11 in OPA 150.

COMPATIBILITY CRITERIA	PROPOSED DEVELOPMENT
DESIGN BRIEF	<i>As per staff's request, the required elements of a design brief have been provided upon Site Plan Submission.</i>
VIEWES	<i>The low profile of the building will not impact on any protected views [Policy 2,3,4].</i>

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BUILDING DESIGN	<p><i>The design of the development fits with the existing desirable character and planned function of the surrounding area [Policy 5]:</i></p> <ul style="list-style-type: none"> • <i>Façade, roofline and architectural elements: Windows and entrances are provided along Daly Avenue to ensure an active street frontage and create eyes on the street;</i> • <i>Windows are visible from the public realm on Daly Avenue [Policy 6];</i>
MASSING AND SCALE + OUTDOOR AMENITY AREAS	<p><i>The proposed development fits into the context permitted and improves the street wall condition by massing the buildings against the street with minimal setbacks, while allowing for sufficient space for pedestrians. The low-rise nature of the proposed development ensures that transition to low-rise residential neighbourhoods is not an issue [Policy 9(a,b,c), Policy 16].</i></p>

URBAN DESIGN GUIDELINES FOR DEVELOPMENT FOR LOW-RISE INFILL DEVELOPMENT

The City of Ottawa’s Urban Design Guidelines for Low-Rise Infill Housing are meant to guide the review of development applications to ensure appropriate and compatible infill housing developments. The objectives of the design guidelines are to:

- Enhance streetscapes
- Support and extend established landscaping
- Be a more compact urban form to consume less land and natural resources
- Achieve a good fit into an existing neighbourhood, respecting its character, and its architectural and landscape heritage
- Provide new housing designs that offer variety, quality and a sense of identity
- Emphasize front doors and windows rather than garages
- Include softer landscaping and less asphalt in front yards
- Create at grade living spaces that promote interaction with the street
- Incorporate environmental innovation and sustainability

The design guidelines are organized into 6 main categories. The proposed development responds well to the following guidelines:

Streetscapes:

2.2 Reflect the desirable aspects of the established streetscape character. If the streetscape character and pattern is less desirable, with asphalt parking lots and few trees lining the street, build infill which contributes to a more desirable pedestrian character and landscape pattern.

2.3 Expand the network of public sidewalks, pathways and crosswalks, to enhance pedestrian safety.

2.6 Design accessible walkways, from private entrances to public sidewalks.

2.7 Ensure that new streets, if private, look, feel, function and provide similar amenities as do public streets, including sidewalks and street trees.

Landscape:

3.1 Landscape the front yard and right-of-way to blend with the landscape pattern and materials of the surrounding homes. Where surrounding yards are predominantly soft surface, reflect this character.

Building Design (Built Form):

4.1.2 Locate and build in a manner that reflects the existing or desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections, as well as front, rear, and side yard setbacks.

4.1.4 Orient buildings so that their amenity spaces do not require sound attenuation walls and that noise impacts are minimized. Design amenity areas such as second floor balconies and roof top decks to respect the privacy of the surrounding homes.

4.1.5 In cases where there is a uniform setback along a street, match this setback in order to fit into the neighbourhood pattern and create a continuous, legible edge to the public street. In cases where there is no uniform setback, locate the infill building at roughly the same distance from the property line as the buildings along the abutting lots.

4.1.8 Determine appropriate side and rear separation distances between existing homes and new infill homes/ infill housing blocks to ensure appropriate light, view, and privacy. Consider how building height, site orientation and the location of windows affect views, sunlight and privacy.

4.1.9 Maintain rear yard amenity space that is generally consistent with the pattern of the neighbouring homes. Do not break an existing neighbourhood pattern of green rear yards by reducing required rear yard setbacks.

4.2.3 Where the new development is higher than existing buildings, create a transition in building heights through the harmonization and manipulation of mass. Add architectural features such as porches and bays, and use materials, colours and textures, to visually reduce the height and mass of the new building.

4.3.4 Ensure that when one or more units are constructed on adjacent properties, they are compatible with each other and with the existing fabric on street.

4.3.5 Locate front doors at an elevation that reflects the dominant and desirable pattern of door heights in the neighbourhood. A first floor elevation that is the average of that of the surrounding homes, allows for better compatibility with the neighbourhood pattern of doors, entries, porches and landscape.

Parking and Garages:

5.1 Limit the area occupied by driveways and parking spaces to allow for greater amounts of soft landscape in the front and rear yard. Reduce the width and length of driveways and parking spots, and use permeable pavers to minimize the visual and environmental impacts of hard surface areas.

5.6 Where access to a garage is at the front, design infill so that the proportional relationship between the width of the garage and the width of the lot is similar to the

pattern of the neighbourhood. For example, if garages occupy 25% of the lot frontage of existing homes, reflect this characteristic in the proposed infill home.

5.11 In order to increase the amount of surface water infiltration, in particular on narrow lots where paved areas occupy a large percentage of the yard, use permeable paving for hard surface areas.

Service Elements:

7.1 Integrate and screen service elements (such as loading areas, garbage and recycling storage, utility meters, transformers, heating, ventilation and air conditioning equipment) into the design of the building so that they are not visible from the street and/or adjacent public spaces. Conceal these elements using a variety of methods such as containment, hard and soft landscaping, and decorative screening, without unduly limiting access, safe operations and maintenance.

7.3 Ensure screening does not interfere with the safe movement of pedestrians and vehicles.

7.5 Respect safety clearances and setbacks from overhead and underground services and utilities.

SANDY HILL SECONDARY PLAN

The Sandy Hill West Secondary Plan is a guide to the long term design and development of a portion of the area known as Sandy Hill, and provides direction on land use, built form, design, parking, and circulation.

The Sandy Hill West Secondary Plan strives to ensure that the Sandy Hill West area will remain an attractive, heritage residential, and predominantly low profile neighbourhood which easily integrates with the Central Area east of the Canal and the adjacent Sandy Hill neighbourhood. The Plan stipulates that new development within this area must remain sensitive to the heritage qualities of the surrounding neighbourhood and enhance the residential livability of Sandy Hill West.

The Sandy Hill West Secondary Plan provides direction on permitted land uses with an emphasis on transitions into adjacent areas, heritage landmarks, the pedestrian realm, and recreational spaces. The Plan limits the extent of commercial uses in Sandy Hill West in order to maximize the area's residential function and character. All development shall respect the low profile heritage character to enhance the sense of human scale and provide an appropriate transition to individual heritage buildings.

The land use, built form and design of the proposed development are in conformity with the overarching intent of the Sandy Hill West Secondary Plan policies.

The Secondary Plan supports infill projects that are sensitive to the surrounding uses and heritage elements of the area. The proposed development, as noted above, has been designed to enhance and complement the existing heritage building and its low-rise nature. The proposed development will improve the pedestrian realm by removing parking and the associated driveway while enhancing a well-defined street wall that creates a visually continuous streetscape along Daly Avenue.

CITY OF OTTAWA COMPREHENSIVE ZONING BY-LAW (2008-250)

The site is zoned Residential Fourth Density, Subzone T, Schedule 70 (R4T, S70) in the City of Ottawa Zoning By-law (2008-250). The R4T zone permits a number of residential uses including low-rise apartment building. The proposed development will require a number of minor variances. A compliance chart is included below to outline areas of non-compliance with the City of Ottawa Zoning By-law (2008-250), the City of Ottawa Conversion By-law (2014-189), and the City of Ottawa Infill 2 By-law (2015-228). It is important to note that the existing building benefits from certain legal non-complying rights including rear and interior side yard setbacks.

Although Infill II is presently under appeal, the proposal has been evaluated relative to Council's approval of the document. With the respect to the proposed changes in Infill II, Staff and Appellants have initiated negotiations related to the appeals of the By-law and Staff have made recommendations to Planning Committee and City Council that were adopted on June 22, 2016. Although these amendments to Infill II represent a statement of the will of City Council and City Planning staff, they do not have regulatory status until they are considered and approved by the Ontario Municipal Board so they are referenced later in this document as part of the discussion rationalizing the required variances.

Zoning Provisions	Required	Proposed	Compliance ✓/*
Min. Lot Width (m)	15	20.37	✓
Min. Lot Area (sq. m)	450	616.95	✓
Max. Building Height (m)	14.5 (By-law 2014-289) whereas Schedule 70 states: Front portion of the property is limited to the existing height of the existing building - 6.59 m	8.99 - 11.738	✗
	Rear portion of the property is limited to 13.3 m	11.738	✓
Min. Front Yard Setback (m)	3 m	3.57 (addition)	✓
Min. Rear Yard Setback (m)	Varies (3) - Equal to 25% of the lot depth but need not exceed 7.5 m	8.350 (addition)	✓
Min. Interior Side Yard Setback (m) - East	Varies (3) - For any part of a building located within the first 21 m of the front	1.47 (addition)	✗

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	property line: Where building wall is equal to or less than 11 m - 1.5 m Where building wall is greater than 11 m - 2.5 m		
Section 161 (8) - Landscape Area (sq.m)	30% of the lot must be provided as landscape area - 185.6 sq.m	318.5	✓
Section 101 - Minimum Parking Space Rates	East of the Canal - 0.25 spaces per dwelling unit - 3 spaces however, Section 139 excludes any parking for low rise, dwelling for dwelling units 12 and under.	0 spaces	✓
Section 101 - Visitor Parking Space Rates	For the first 12 dwelling units - 0 For the next 300 dwelling units - East of the Canal - 0.1 spaces per dwelling unit	0 spaces	✓
Section 111 - Bicycle Parking Rates	0.5 spaces per dwelling unit - 6 spaces	6 spaces	✓
Section 137 - Amenity Area (sq.m)	Total Amenity Area (sq. m) - 144 sq.m	137.8 (Rear Yard) 45.7 (Courtyard) 42.8 (Front Yard) 226.3 (Total)	✓
	Communal Amenity Area (sq. m) - 100% of the amenity area required for the first 8 units - 120 sq.m	226.3 (Total)	✓
Conversion By-law - Amenity Area Requirement (sq.m)	Low-rise Apartment dwelling unit in any zone 15 sq.m per unit for the first 8 units; - 120 sq.m	226.3 (Total)	✓
Section 139 (16) (c) Pedestrian Walkways (m)	Walkway located in a front yard is permitted only if:	Varies from 1 to 1.5	✗

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	Does not exceed 1.25 m in depth and width		
Section 139 (3)(a) Average of existing setbacks (m)	Setbacks of abutting lots fronting a street must align with each other by way of an average for all three properties - 2.52 m	3.57 (addition)	✘
Section 60 - Heritage Overlay	3(a) Height of the addition must not exceed the height of the existing building	11.738 m	✘
	3(b) The addition is located entirely in the rear yard.	Located in the rear and interior side yard.	✘
Infill II - Rear Yard Setback (m)	For any interior lot with a depth between 30 - 45 metres, the greater of the following: a distance equal to the height of the building above existing average grade (11.738 m), or a distance equal to the lot depth minus 22.5 metres (7.69 m).	8.350 (addition)	✘
Infill II - Amenity Requirement (sq.m)	Apartment Dwelling, Low-Rise in zones R1-R4 where parking is not required in Area A, Schedule 342 (if applicable) A min. of 15 sq. m of amenity area at grade per dwelling unit for any lot with three or more dwelling units up to and including eight dwelling units - 120 sq.m	226.3	✓

REQUESTED VARIANCES

The following variances are being sought to permit the proposed development:

- A. To permit a maximum height of 11.738 metres for the front portion of the addition, whereas Schedule 70 in the Zoning By-law (2008-250) restricts heights in the front portion of the addition to 6.59 metres;
- B. To permit a reduced interior side yard setback of 1.47 metres along the east property line whereas the Zoning By-law (2008-250) requires an interior side yard setback of 1.5 metres where the building wall is equal to or less than 11 metres in height, 2.5 metres and where the building wall is greater than 11 metres in height;
- C. Infill I: To permit an increased walkway width of 1.5 metres whereas the Zoning By-law (2008-250) limits walkway widths to 1.25 metres;
- D. Infill I: To permit an increased front yard setback of 3.57 metres whereas the By-law requires a front yard setback of 2.52 metres, the average of the adjacent properties;
- E. To permit an increased height of 11.738 whereas Section 60 of the Zoning By-law (2008-250) restricts the maximum height of the addition to the height of the existing building;
- F. To permit the addition to be located within the rear and interior side yard whereas Section 60 of the Zoning By-law (2008-250) restricts additions to the rear yard;
- G. Infill II: To permit a reduced rear yard setback of 8.35 metres whereas the proposed By-law (2015-228) requires a rear yard setback of 11.738 metres, a distance equal to the height of the building above existing average grade.

DISCUSSION OF VARIANCES:

Increased Maximum Building Height (Variances A and E):

With respect to building height, variances are being sought from the present Zoning By-law (2008-250). The current Zoning By-law limits heights to 6.59 metres at the front of the building (the height of the existing detached heritage building), and 13.3 metres in the rear. As noted in earlier discussions, the proposed development has been designed to be sensitive to its surrounding context with the height of the front wall reaching 8.99 metres, with a generous 3.973 metre, fourth floor setback to the bulk of the proposed addition that reaches 11.93 metres; well under the By-law minimum of 13.3 metres for the rear portion of the lands.

With respect to the present Zoning By-law, the intent of the stepped height limits is to preserve the heritage integrity of the adjacent building. This has been accomplished through various architectural gestures which have been approved by City of Ottawa Heritage Staff, Built Heritage Sub-Committee, and City Council. These include the fourth floor stepback, the materiality of the building, and the separation of most of the addition from the existing heritage building.

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When considering the proposed heights in relation to the surrounding context, the proposed development provides an appropriate transition between the low-rise apartment building to the west of the property and the detached dwelling to the east of the property which can be viewed in Figure 6. As discussed above, the proposed development also includes a significant transition from the street to the proposed addition in the rear, rendering the appearance of a two (2) storey dwelling at the street level which is in keeping with many of the other developments along the Street. Notwithstanding the above, the proposed changes to the Infill II By-law (2015-228) do not restrict the height further than what is permitted within the present Zoning By-law.

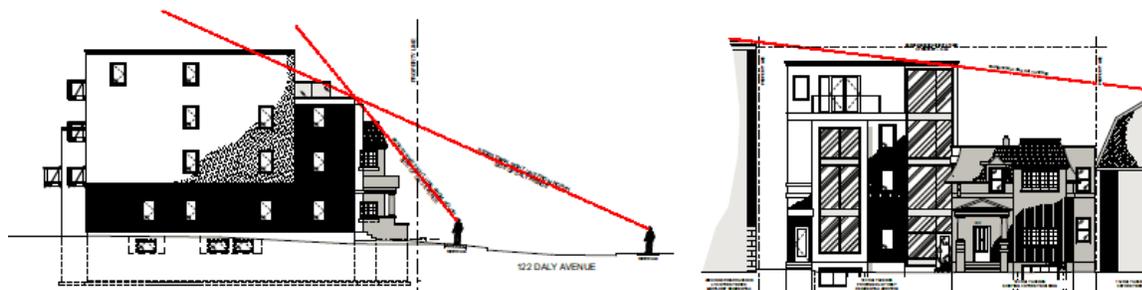


Figure 6: Transition Diagram

Reduced Interior Side Yard Setback (Variances B):

With respect to the interior side yard setback along the east property line, a variance is being sought from the present Zoning By-law (2008-250) which requires a 1.5 m setback for buildings less than 11 m in height and 2.5m for greater heights. The subject property interfaces with a deeper, and a much taller five (5) storey apartment building that has a zero setback from the property line which alleviates any impact on the adjacent lot. Furthermore, the expansion will be replacing an existing driveway and side yard parking with a walkway and additional soft landscaping.

Increased Walkway Width (Variance C):

With respect to walkway width, a variance is being sought from the present Zoning By-law (2008-250) to permit a greater walkway width of 1.5 metres whereas the By-law restricts walkway widths to 1.25 metres. A wider walkway is proposed because most of the proposed development ingress and egress is anticipated to use this walkway. The purpose of the provision is to limit the number of curb cuts along the street to ensure that there is a sizable front yard with ample soft landscaping. The development proposal exceeds the landscaped and amenity area requirements within the various policy documents, notably within the front yard as discussed above and eliminates parking on the property removing the need for a curb cut to accommodate a driveway.

Increased Front Yard Setback (Variance D):

With respect to the variance for the front yard setback, a variance is being sought from the recently approved changes to Section 139 In the present Zoning By-law (2008-250) which requires the front yard setback to be the average of the adjacent lots (2.52 metres). The subject property is located on a stretch of Daly Avenue that is characterized by virtually no front yards to due to gradual infilling. Although the proposed variance is 1.05 metres greater than what is permitted in Section 139 of the By-law, the proposed front yard setback is more in line with the properties north-east of the subject property as demonstrated in Figure 7 below. In addition to improving the existing

streetscape condition, the variance provides additional landscaped amenity areas for future tenants. The variance also enhances to the overall design by providing a greater separation and distinction from the existing heritage building rendering the appearance of two (2) separate buildings at the street level.



Figure 7: Front Yard Setback Condition along Daly Avenue

Location of Addition (Variance F):

It is important to note that the Application has gone through extensive circulation with Staff, and has received support and approval from City Heritage staff, the Built Heritage Sub-Committee, and City Council with respect to built form and design. The present Zoning By-law (2008-250) restricts the location of an addition to a heritage building to the rear yard to protect the overall heritage integrity. The proposed addition as been designed to achieve separation from the existing heritage building such that the addition is separated at the streetscape and setback significantly from the front facade in keeping with the general intent of this standard, initiatives that have resulted in a Heritage Permit for the building. Additionally, the proposed expansion will be replacing a one (1) storey section of the existing building, and a driveway creating an opportunity for pedestrian friendly intensification on an underutilized lot within a desirable downtown community.

Reduced Rear Yard Setback (Variance G):

With respect to the rear yard setback, a variance is being sought from the proposed Infill II By-law (2015-228). At 8.3 m, the proposed rear yard setback for the addition will be greater than the existing heritage building (just over 6 m) but less than the Infill By-law requirement of 11.74 m. Although the rear yard setback is deficient by 3.44 m, the intent of the provision within the Infill II By-law is to reduce privacy and overlook impacts on adjacent properties, and to increase the total amenity area within the rear yard. As demonstrated in Figure 8, the proposed development is consistent with rear yard setbacks along and in behind Daly Avenue, and as noted earlier in this report, the

proposal exceeds the City's various amenity regulations that apply to the subject property. Due to the site's urban location, many of the rear yards in and around the subject property are characterized by rear yard garages or surface parking. In some instances, entire rear yards have been converted into surface parking lots to accommodate growth in the area. The proposed development, as discussed earlier in this report, will not include any on-site parking, as such the entire rear yard will be landscaped and used as private amenity space for tenants; a significant improvement to the existing parking lot condition.

Notwithstanding the above, council recently recommended an amendment to this rear yard provision of the Infill II By-law, which would require the rear yard setback to be 30% of the lot depth for a total of at least 25% of the lot area which would translate to approximately 9 m. When considering the variance in light of these proposed amendments, the entire rear yard would meet the required area and the proposed rear yard setback of the addition would only be deficient by 0.7 metres.



Figure 8: Rear Yard Condition along Daly Avenue

CONCLUSIONS AND CONFORMITY WITH PLANNING ACT TESTS

In considering the proposed development and applicable policy and regulatory framework, it is our professional opinion that the proposed variances represent good planning and meet the relevant tests under Section 45 of the Planning Act as follows:

MEETS THE GENERAL INTENT AND PURPOSE OF THE CITY OF OTTAWA OFFICIAL PLAN

The site is designated **General Urban Area** in the Official Plan. This designation permits the proposed use and the policies state that this designation offers significant opportunity in the City for intensification through more compact forms of development, a lively mix of uses, and pedestrian-friendly and transit-friendly environments. More

specifically, the General Urban Area policies recognize the ability to intensify through low-profile, ground-oriented development. This proposal reflects this policy intent.

The proposed development will not generate undue adverse impacts on the neighbouring properties and fulfills the compatibility objectives and design principles outlined in Section 2.5.1 and the compatibility criteria outlined in Section 4.11, including policies related to building height and massing.

MEETS THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW

The zoning of the site is **Residential Fourth Density, Subzone T, Schedule 70**. The proposed low-rise apartment building use is permitted in the Residential Fourth Density zone, and the proposal conforms to the majority of the provisions in this zone. Further, the proposal meets most of the general provisions in the Zoning By-law including those within the appealed version of Infill II and the general intent of the various layers of zoning that apply to the subject lands. The purpose of the heritage overlay is to protect significant heritage resources. The proposal is not undermining a heritage asset, rather it is enhancing it through careful restoration and thoughtful infill. It is a commonly accepted premise that new development within areas characterized by heritage buildings, should speak to its own place in time. This proposal reflects this philosophical approach while enhancing heritage value of the existing building.

ARE APPROPRIATE FOR THE DEVELOPMENT AND USE OF THE LANDS

Overall, it is our professional planning opinion that the proposed minor variances constitute good planning. The proposed development fulfill the planned function for the site as set out in the Official Plan by encouraging infill on land designated General Urban Area and in close proximity to established services, infrastructure, and transit. The development proposal is sensitive to the surrounding context, located in an area where there is sufficient servicing and infrastructure to accommodate the proposal and the use is permitted and encouraged in the policy and regulatory framework. The development capitalizes on the opportunity to increase density in a sensitive and thoughtful way while restoring a heritage building and enhancing its longevity.

MINOR IN NATURE

The proposed development has been designed relative to the neighbourhood and assessed against key compatibility criteria such as traffic, parking, etc. and to the heritage context in the rationale above. Given that similar lots with more intense building forms exist with the immediate vicinity of the subject property, the variances will not generate any negative impacts and are considered minor in nature.

If you have any questions or concerns, please feel free to contact the undersigned at 613.730.5709 x235 or Nader Kadri at 416.789.4530 x3.

Yours truly,



Brian Casagrande, MCIP, RPP



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