

March 10, 2023

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-03-15

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: Application for Minor Variance
630 & 632 Churchill Avenue North

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Keegan Gomes (the "Owner") to submit a Minor Variance application on their behalf for the property known municipally as 630 & 632 Churchill Avenue North ("the subject property") in the City of Ottawa. The subject property is legally described as Part 1 of Lot 41 (West Churchill Avenue Lots), Registered Plan 204, City of Ottawa.

The purpose of the Minor Variance application is to address issues of zoning compliance resulting from a calculation oversight during the recent Site Plan Control approval process. This application will be seeking relief from the minimum parking requirements on the site in order to permit no parking on the subject property.

Please find enclosed the following materials in support of the application:

- / A cover letter explaining the nature of the application;
- / The minor variance application form;
- / A draft reference Plan prepared by Annis, O'Sullivan, Vollebakk Ltd.;
- / The approved Site Plan, prepared by Figurr Architects, approved December 8, 2022; and,
- / Landscape Plan, including tree conservation information prepared by Stantec, dated September 8, 2022.

Please contact the undersigned at saunders@fotenn.com or dallarosa@fotenn.com with any questions or requests for additional materials.

Sincerely,



Evan Saunders, M.PL
Planner



Lisa Dalla Rosa, MCIP RPP
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1.0 Introduction

Fotenn Planning + Design (“Fotenn”) has been retained to prepare this Planning Rationale and in support of a Minor Variance application to facilitate the proposed development on the property municipally known as 630 & 632 Churchill Avenue North in the City of Ottawa.

1.1 Required Application

During the approval stages of the Site Plan Control application on the site (D07-12-21-0178), there was an oversight with regards to the minimum parking requirement calculation that has resulted in the approved development being deficient by one (1) parking space. This application seeks to remedy the deficiency through a Minor Variance application in order to seek relief from the applicable zoning provision, facilitating the development of the site as approved December 8, 2022 by City staff.

1.2 Requested Minor Variance

Section 101(3)(a) of the City of Ottawa Zoning By-law requires development within Area X of Schedule 1A to provide 0.5 vehicular parking spaces per dwelling unit for each unit after the first twelve units. The proposed development includes 13 dwelling units, requiring 0.5 parking spaces which is rounded up to 1 space, per Section 100(2) of the Zoning By-law. As a result, the proposed development is deficient by one (1) parking space. The purpose of this Minor Variance application is to bring the proposed development into compliance with Section 101(3)(a) of the Zoning By-law by requesting to reduce the minimum parking requirement from one (1) to zero (0).

1.3 Public Consultation Strategy

The previous application featured a public consultation strategy in which the community, Ward Councillor, and identified parties were engaged to ensure the necessary consultation steps were undertaken in accordance with the Policy and Planning Act notification requirements. The following summary outlines the strategy as completed for the previous Site Plan Control application:

- / A Pre-Application Consultation Meeting was held with City Staff and the applicant team on July 16, 2021. Community “Heads Up” to local registered Community Associations was completed by City of Ottawa staff during the application process.
- / A community meeting was held on December 16, 2021 (Virtual) in which eight (8) members of the public attended, in addition to members of the project team, City staff, and a representative from the Ward Councillor’s office. An overview of the project was provided as well as a question and answer period in order to address any questions or concerns from members of the public with regards to the proposal. These concerns were considered as revisions were made to the project through the planning approval process.

2.0 Subject Property and Surrounding Context

2.1 Subject Property

The subject property, located in the Kitchissippi Ward (Ward 15) and Laurentian neighbourhood of the City of Ottawa, is a rectangular interior lot with approximately 17 metres of frontage along the west side of Churchill Avenue North and a total area of approximately 525.64 m². The property currently contains a two-storey, multi-unit residential dwelling, with vehicle access from Churchill Avenue North to a driveway and garage along the southern portion of the site, and a driveway along the northern portion of the site. The remainder of the site consists of landscaped area. The subject property is located along one of Ottawa’s major collector roads which is generally characterised by low-rise residential buildings, including detached, semi-detached, duplex, townhouse, and low-rise apartment dwellings. The subject property is located approximately 500 metres north of Carling Avenue, one of Ottawa’s arterial roads and rapid transit corridors.



Figure 1: Top Left, looking northwest towards the subject property; Top Right, looking west towards the southern portion of the subject property; Bottom Left, looking west directly towards the subject property from across Churchill Avenue North; Bottom Right, looking southwest towards the subject property.

2.2 Surrounding Context

North: Immediately north of the subject property is a two-storey semi-detached residential dwelling fronting Churchill Road North. This low-rise residential condition continues along both sides of Churchill Road North, which contains detached, semi-detached, townhouse, duplex, and low-rise residential apartment buildings through to Richmond Road.

East & West: Immediately east of the subject property is Churchill Avenue North, which contains dedicated bicycle lanes on either side and single lanes for vehicle traffic in either direction. Across Churchill Avenue North are low-rise residential dwellings, a condition which continues through the residential neighbourhood of Westboro to the east. The similar low-rise, residential Laurentian neighbourhood is located to the west of the subject property, containing a similar building type.

South: Immediately south of the subject property is a two-storey residential dwelling at the northwest corner of Churchill Avenue North and Dovercourt Avenue, which is listed on the City of Ottawa Heritage Register. The low-rise, residential neighbourhood continues further south along both sides of Churchill Avenue North through to Carling Avenue. This portion of Carling Avenue generally contains commercial and retail uses along both frontages. Further south of this is Highway 417.



Figure 2: Top Left, Southeast corner of Churchill Avenue N and Dovercourt Avenue; Top Right, Northwest corner of Churchill Avenue N and Dovercourt Avenue; Bottom Left, Looking east across Churchill Avenue N from the subject site; Bottom Right, Dedicated bicycle lanes along Churchill Avenue N.

2.3 Road Network

The subject property is located along Churchill Avenue North, which is designated a Major Collector Road on Schedule C4 of the Ottawa Official Plan (Figure 3). Further, the portion of Dovercourt Avenue to the west of Churchill Avenue North is designated a Collector Road. Both Major Collector and Collector Roads are intended to function as networks which serve neighbourhood travel between local and Arterial Roads, providing vehicle connections and accesses to adjacent lands. The subject site is also located less than 500 metres north of Carling Avenue, designated an Arterial Road. Arterial Roads are intended to function as major corridors in the urban communities, accommodating a variety of transit modes including vehicle, pedestrian, bicycle, and public transportation. Arterial Roads are designed in a manner which meets the needs of these users through the provision, where appropriate, of sidewalks, cycling lanes, and transit stops. The subject site is well served by the existing road network due to its frontage along a Major Collector Road, which provides connections to an Arterial Road along Carling Avenue and the greater urban road network of the City of Ottawa.



Figure 3: Schedule C4, *Urban Road Network*, subject property indicated

2.4 Alternative Transportation Network

The subject property is well-connected with respect to bus rapid transit, cycling, and the pedestrian network.

2.4.1 Transit Network

The subject property is located approximately 500 metres north of Carling Avenue, designated as an at-grade transit route in the Official Plan (Figure 4). Similarly, OC Transpo serves the site with Routes 50 and 51 running adjacent to the site along Churchill Avenue North (see Figure 5). An OC Transpo bus stop is currently located within close proximity to the subject property at the corner of Churchill Avenue North and Dovercourt Avenue. This route connects Wellington Street West to the greater transportation network, including the Lincoln Fields BRT Station. The subject property is served by routes which connect to Carling Avenue, which provides wider public transit connections throughout the City of Ottawa.

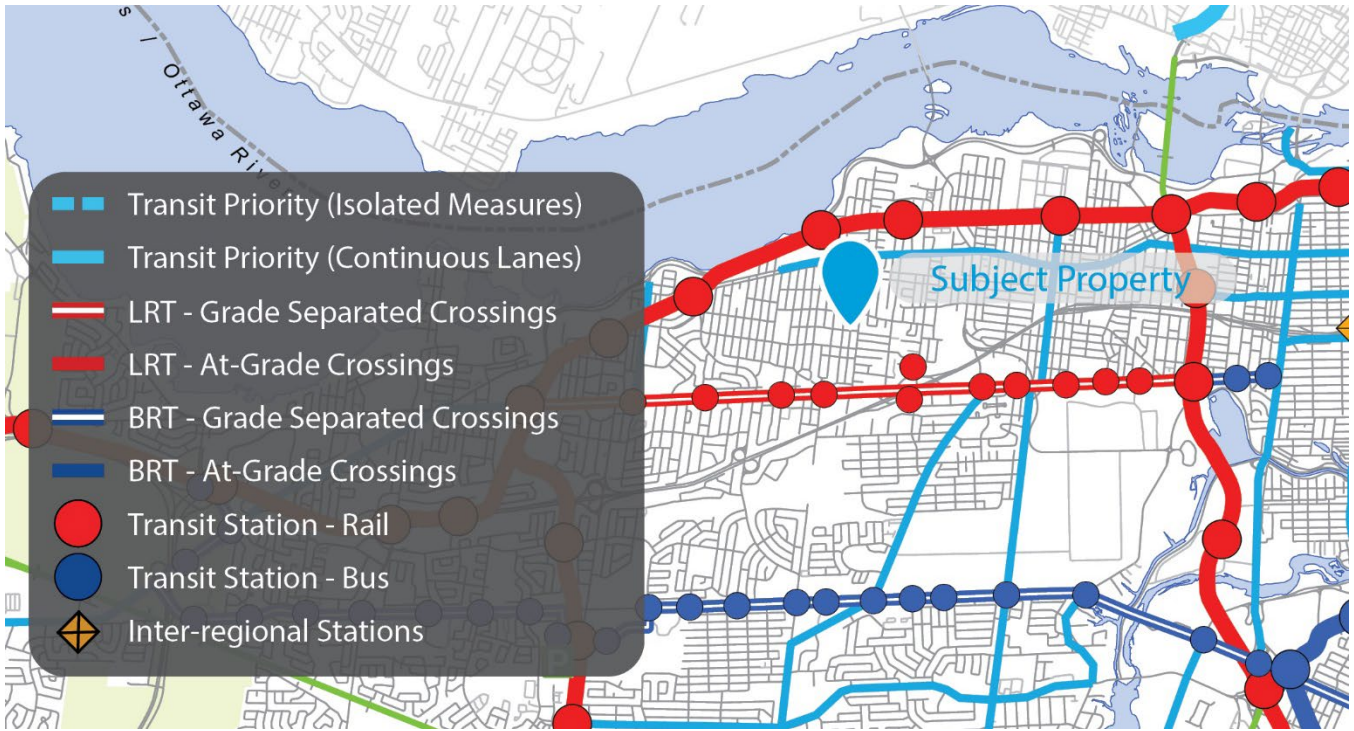


Figure 4: Schedule C2, Rapid Transit Network, subject property indicated

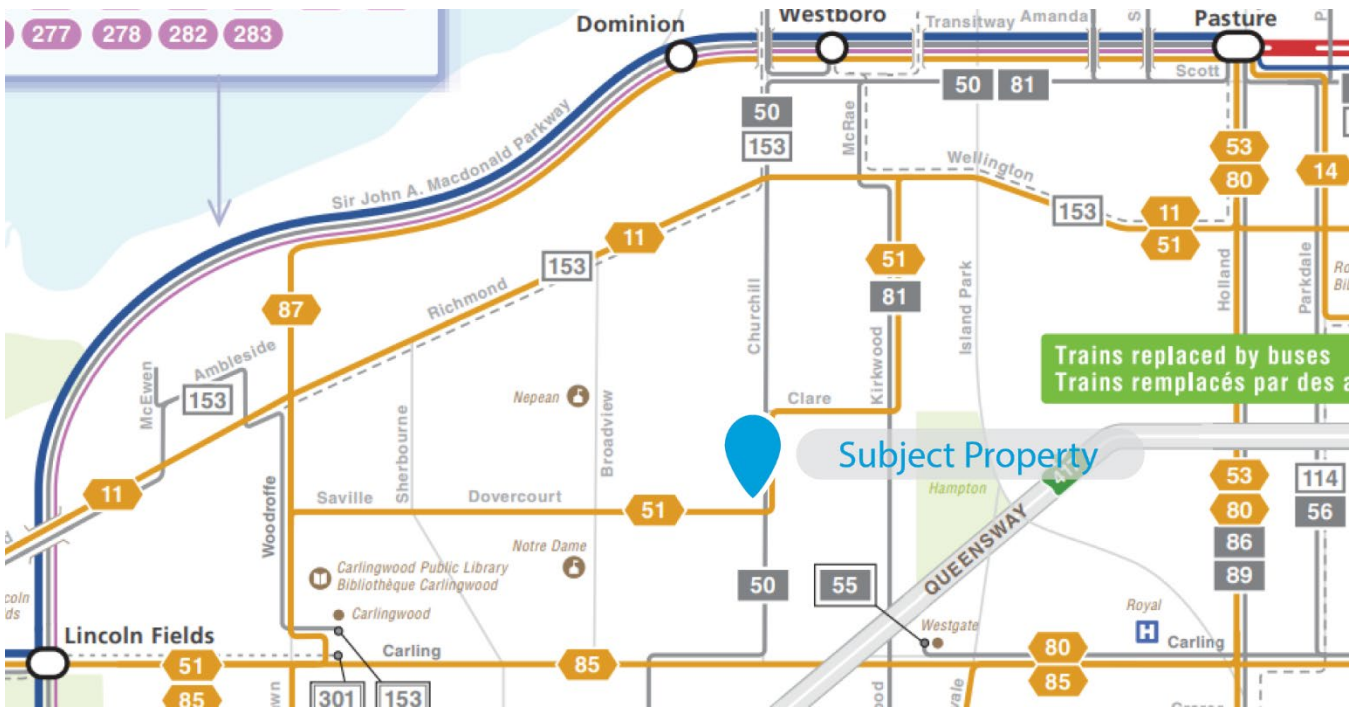


Figure 5: OCTranspo Network Map

2.4.2 Cycling Network

The subject property is well served by existing urban cycling infrastructure. Churchill Avenue North is fitted with separated bike lanes on both sides of the street, in addition to separated sidewalk, providing access between Carling Avenue to the south and Scott Street to the north. Multi-use bicycle pathways are located within close proximity to the site, including along Bryon Avenue and NCC pathways along the Ottawa River.

2.4.3 Pedestrian Network

The subject property is serviced by a sidewalk along the frontage. This sidewalk and the one on the west side run from Carling Avenue in the south to Lanark Avenue to the north along Churchill Avenue. Further there is a set of traffic lights at the intersection of Churchill Avenue North and Dovercourt Avenue, providing a safe location to cross the street within 30 m of the subject property.

2.5 Neighbourhood Amenities

Considering its location in the established Laurentian neighbourhood, the subject property benefits from close proximity to many nearby amenities, including a range of commercial uses, community services, and greenspaces. A non-exhaustive list of neighbourhood amenities illustrates the wide range of uses, and include:

- / A wide variety of commercial and retail business to both the north along Wellington Street West and south along Carling Avenue;
- / Recreational centres and facilities, including the Dovercourt Recreation Centre, Hampton Park Recreation facilities, the Churchill Seniors Recreation Centre, and many other private recreational services;
- / Parks and Greenspaces, including Westboro Kiwanis Park, Clare Gardens Park, Hampton Park, Iona Park, Byron Linear Park, Maplelawn Gardens, Raven Park, Bellevue Manor Park, and Carlington Park.
- / Community Centres such as the Westboro Community Centre located just west of the subject property along Dovercourt Avenue, the Soloway Jewish Community Centre, the Fisher Park Community Centre, and the Alexander Community Centre; and,
- / Schools including Churchill Alternative School, Broadview Public School, Nepean High School, Notre Dame High School, St. Elizabeth School, Hilson Avenue Public School, and Elmdale Public School.

3.0 Proposed Development

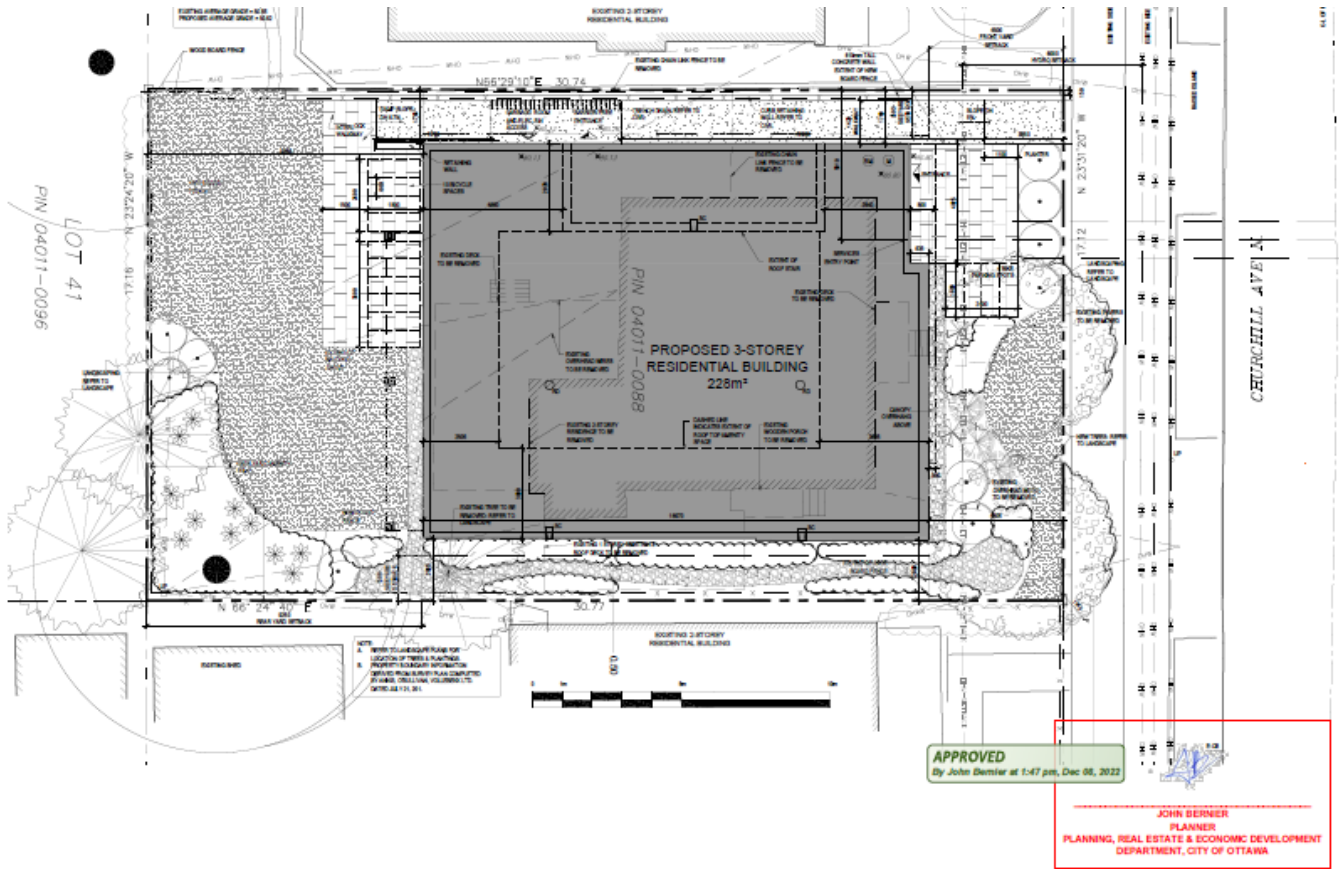


Figure 6: Approved Site Plan.

3.1 Project Overview

The proposed development includes a low-rise, residential apartment building containing 13 units, containing a mix of three (3) studio units, seven (7) one-bedroom units, and three (3) two-bedroom units. The site is currently occupied by a two-and-a-half-storey residential building, which is proposed to be demolished to facilitate the proposed development.

A total of 261 m² amenity space is provided via private balconies, a communal rooftop terrace, and communal rear yard amenity space. No parking is proposed for the site, while 14 outdoor bicycle storage spaces are provided, 10 of which are covered.

The 13 new residential units are accessed via the primary entrance that will be visible and directly accessible from Churchill Avenue North at the east side of the building. A barrier-free entrance for the building will provide via a sloped walkway along the north side of the building. The sloped walkway will also provide access to the rear yard amenity space, exterior bicycle parking spaces, and the garbage room.

The proposed development will include a mix of studio, one-bedroom, and two-bedroom units. Units range from studios at 31 m² to two-bedrooms at 70 m². There is a total of three (3) two-bedroom units in the building. The three basement level units have been designed to be barrier-free, accessed via the entrance on the north side of the building.

In addition to the rear yard amenity space, units on the west side of the building will include private balconies, while all tenants will have access to a communal rooftop terrace. Although no vehicular parking is provided, bicycle storage is provided in both the front and rear yard for up to 14 bicycles.

4.0 Policy and Regulatory Context

4.1 Provincial Policy Statement

The Provincial Planning Statement (PPS) is a guiding policy document issued by the Province of Ontario under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All decisions on planning matters “shall be consistent with” the PPS. The PPS recognizes that “land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns”. In order to respond to current and future needs, a range of housing options is encouraged through new development and intensification.

Policies that support the development and intensification of the subject property include:

- / 1.1.1: Healthy, liveable and safe communities are sustained by:
 - o Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (1.1.1a);
 - o Accommodating an appropriate affordable and market-based range and mix of residential types, including multi-unit housing (1.1.1.b); and,
 - o Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1.e);

- / 1.1.3: Identifies Settlement Areas as the focus of growth and development, where:
 - o Land use patterns in settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and,
 - o New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

- / 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs or current and future residents of the regional market area by:
 - o Permitting and facilitating:
 - All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities (1.4.3.b.1); and,
 - All types of residential intensification, including additional residential units, and redevelopment (1.4.3.b.2);
 - o Directing the 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 (1.4.3.c);
 - o Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d);

- / 1.6.2: Planning authorities should promote green infrastructure to complement infrastructure;

- / 1.7.1: Long-term economic prosperity should be supported by:
 - o Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (1.7.1.b).

- / 1.8.1: Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
 - o promote compact form and a structure of nodes and corridors (1.8.1.a);
 - o promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas (1.8.1.b); and
 - o encourage transit-supportive development and intensification to improve the mix of housing uses to shorten commute journeys and decrease transportation congestion (1.8.1.e).

The proposed development is consistent with the Provincial Policy Statement, 2020 in that it achieves its vision in addressing efficient development and land use patterns. Redevelopment of the subject site will accommodate an appropriate type and tenure of residential dwellings to meet long-term needs of the City, promoting cost-effective development patterns and supporting public transit and active transportation. Policies are supportive of infill development in existing urban areas containing existing municipal services and infrastructure. Furthermore, considering its location near a Rapid Transit Corridor along Carling Avenue and its location along existing active transportation infrastructure, the proposed Minor Variance to permit no vehicular parking on the subject property aligns with the policies of the PPS as it advances the provincial goals of healthy, liveable and safe communities.

4.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs how the city will accommodate this growth over time and set out the policies to guide the development and growth of the City.

4.2.1 Inner Urban Transect

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject property is located in the "Inner Urban Transect" of the Official Plan. The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them and is therefore characterized by both urban and suburban elements. The New Official Plan provides guidance for how the existing character of these neighbourhoods should be complemented while allowing for the development of walkable, service-rich, 15-Minute Neighbourhoods.

The Inner Urban Transect promotes greater densities than the Outer Urban and Suburban transects; the intended pattern of built form is urban. The transect is generally planned for mid- to high-density development, subject to their proximity to transit, their underlying land use designation, and municipal servicing capacity constraints. Section 5.2 sets the policies guiding development under this transect designation. The policies focus on enhancing the pattern of development to reflect the desired urban character, creating walkable and transit-supportive communities, as well as encouraging appropriate 'missing-middle' intensification within established neighbourhoods.

The following policies apply to the proposed Minor Variance application on the property as follows:

- / 5.2.1(5) The Inner Urban area is planned for mid- to high-density, urban development forms where either no onsite parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. The following policies apply to private approaches:
 - o a) The privatization of curb space through increasing private approaches, whereby an on-site private parking space for one or two landowners precludes the use of curb space for street parking and other purposes for all users:

- i) Is generally discouraged; and,
- ii) May be prohibited on small or narrow lots, or where such private approaches are proposed to serve a small number of parking spaces.
- b) Maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes, and front yard space for trees and intensive landscaping, is given priority over private approaches; and,
- / 5.2.2(2) Accommodate motor vehicle access and movement provided doing so does not erode the public realm nor undermine the priority of pedestrians, cyclists and transit users.
- / 5.2.2(3) Motor vehicle parking in the Inner Urban Transect shall be managed as follows:
 - a) Motor vehicle parking may only be required for large-scale developments, and only to the extent needed to offset sudden large increases in parking demand;

The subject property is located in the Inner Urban Transect in the City of Ottawa Official Plan. The proposed Minor Variance application on the subject property seeks to reduce the required minimum number of vehicular parking spaces from one (1)¹ to zero (0) in order to bring the approved proposal into zoning compliance. As outlined above, the applicable policies of the Official Plan are supportive of reductions in parking in the Inner Urban Transect, as well as reducing curb cuts which impede the effective and safe movement of pedestrian and cyclist movement along Churchill Avenue North. The Zoning By-law's requirement for one (1) space to be provided would result in a curb cut leading to a single space, intersecting with a cycling lane, which is not supported by the applicable transect policies.

4.2.2 Minor Corridor Designation

The lands along Mainstreet and Minor Corridors are designated in the Official Plan as areas capable of supporting additional densities and a greater degree of mixed-uses, helping to support the development of surrounding Neighbourhood areas. The Minor Corridor designation refers to streets of lesser importance than Mainstreets, supporting more local traffic and transitioning from higher density mixed-use spaces to existing neighbourhood areas. Development along Minor Corridors shall respect the sensitive context of the surrounding neighbourhoods while supporting an animated public realm and a greater potential for a range of uses.

The subject site is located along Churchill Avenue North, which is designated as a Minor Corridor in Schedule B2 (Figure 7). The Minor Corridor designation applies to specific streets which are planned for greater densities and are supportive of greater street-level transit service. Specific policies provide direction with on-site massing and the promotion of a variety of land use mixes. The Minor Corridor designation requires a minimum of two (2) storeys and permits a maximum of six (6) storeys, as well as ensuring adequate transitions and relationships to neighbouring properties and the streetscape.

¹ 0.5 spaces round up to 1 as per Section 100(2) of Zoning By-law 2008-250

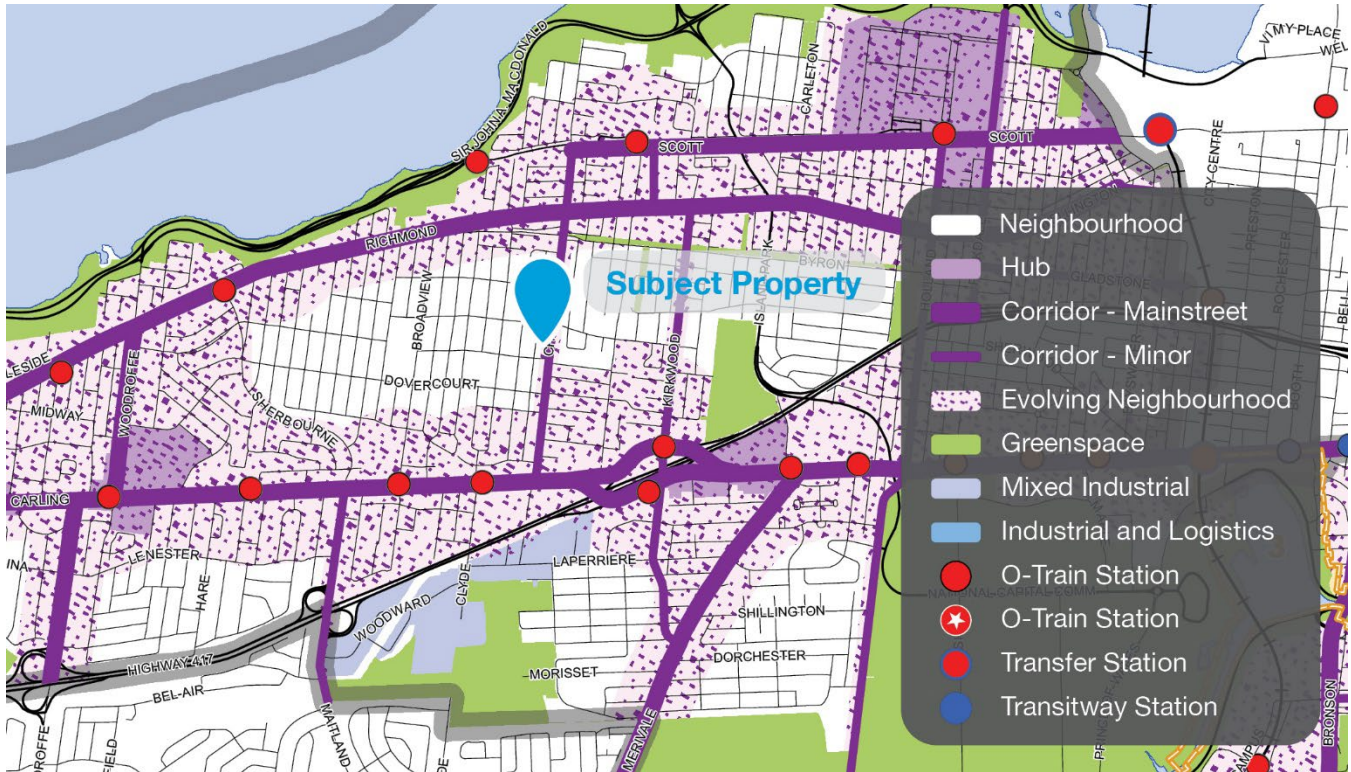


Figure 7: Schedule B2 – Inner Urban Transect.

4.2.3 Urban Design (Section 4.6)

Section 4.6 of the Official Plan outlines the specific policies guiding the design and relationship between developments across the City, specifically emphasizing adequate transitions, complementary built forms, and existing neighbourhood design characteristics.

- / 4.6.5(3) Development shall minimize conflict between vehicles and pedestrians and improve the attractiveness of the public realm

The City of Ottawa's Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to residential development within the Inner Urban Transect and the role of the Minor Corridor designation in accommodating a bulk of the intensification proposed through the Plan. The policies of the Official Plan are supportive of the proposed Minor Variances on the subject property, as the Plan highlights the Inner Urban Transect's role in reducing car dependence and promoting walkable communities and protecting cycling and pedestrian environments along Minor Corridors.

4.3 City of Ottawa Comprehensive Zoning By-law

The subject site is zoned Residential Fourth Density, Subzone UD, where Exception 2684 and -c suffix apply (R4UD[2684]-c). It is also within both the Mature Neighbourhoods and Westboro Development Overlay areas.

The **Residential Fourth Density Zone** is intended to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in no case more than four storeys, in areas designated as General Urban Area.

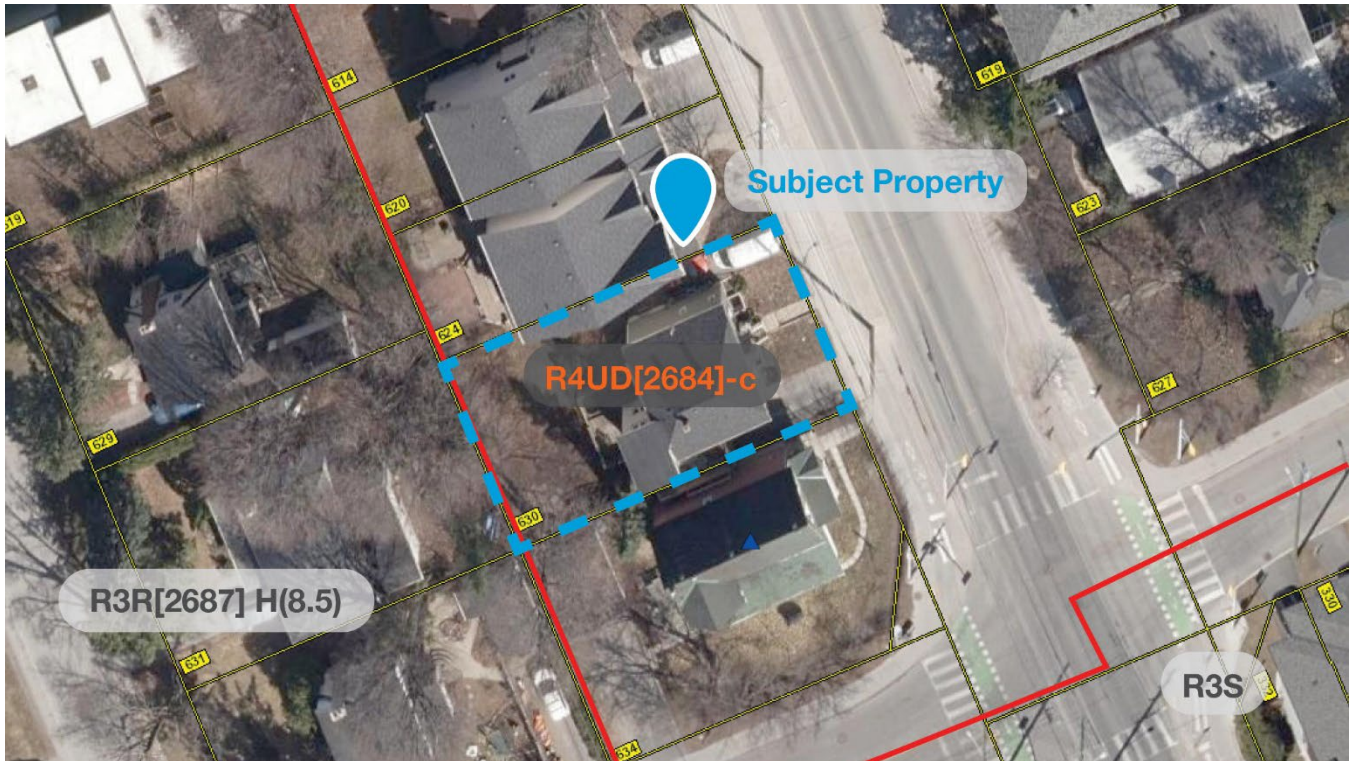


Figure 8: Zoning map with the subject property identified. (GeoOttawa)

Exception 2684 applies and it provides alternative yard setback, lot width and lot area requirements for all uses other than detached and semi-detached.

The **-c suffix** is the Residential Neighbourhood Commercial suffix per Section 141 of the Zoning By-law. The provisions provide for additional permissions related to small, locally-oriented non-residential uses.

The **Mature Neighbourhoods Overlay** includes zone provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character as seen along each street. As per Section 140 of the By-Law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis (SCA). Pursuant to Section 140, Policy 4a, the proposed development is not subject to an SCA as it does not include the introduction of a driveway, attached garage or carport and involves a rear addition within the rear and interior side yards. It should be noted that if a parking space is required a SCA would be required to evaluate the appropriateness of the driveway.

The **Westboro Development Overlay** was created in response to growing development pressures within the Westboro neighbourhood, focusing on the primarily residential area located south of Byron Avenue between Golden Avenue and Tweedsmuir Avenue. They are intended to permit infill development in a manner that addresses important community characteristics. The requirements are contained in Section 146 of the City's Zoning By-law and are included in Table 2 below as they take precedent for development on the subject site.

Table 1 below describes the permitted uses at the subject property.

Table 1: Permitted Uses in the R4UD zone.

Residential	Non-Residential
<ul style="list-style-type: none"> / apartment dwelling, low rise / bed and breakfast / detached dwelling(only if in existence prior to Feb 24, 2021) / duplex dwelling / group home / home-based business / home-based daycare / linked-detached dwelling / planned unit development / retirement home / rooming house / secondary dwelling unit / semi-detached dwelling / stacked dwelling / three-unit dwelling / townhouse dwelling 	<p>As the zone is accompanied with the “-c” suffix, the following non-residential uses are permitted at the site:</p> <ul style="list-style-type: none"> / artist studio / convenience store / instructional facility / medical facility / personal service business / restaurant / retail food store / retail store <p>Note:</p> <ul style="list-style-type: none"> / A permitted non-residential use may only be located on the ground floor, basement, or both of a residential use building / Specific zoning provisions apply should inclusion of non-residential uses be explored

Table 2 below describes the Zoning By-Law provisions and requirements, with specific review of the Residential Fourth Density, Subzone UD, Exception 2684 provisions as they relate to low-rise apartment dwellings containing nine or more units. The table further provides compliance details as they relate to the approved Site Plan.

Table 2: City of Ottawa Zoning By-law – R4UD[2684]-c Zone provisions.

Provision	Required	Provided	Compliance
Minimum Lot Width	10 metres	17.12 metres	Yes
Minimum Lot Area	300m ²	525m ²	Yes
Maximum Building Height	14.5 metres	12.3 metres	Yes
Minimum Front Yard Setback	4.5 metres Note* 20% of the front facade must be recessed an additional 0.6 m from the front setback line, or provide one balcony/porch for every unit that faces the public street	4.5 metres 20% of the front facade is recessed an additional 0.6 metres	Yes Yes
Minimum Interior Yard Setback	1.5 metres	1.5 metres to the north 2.5 metres to the south	Yes
Minimum Rear Yard Setback and Area	For any lot with a lot depth greater than 25 metres, a distance equal to 30% of the lot depth which must comprise at least 25% of the area of the lot. 30.73m x 30% = 9.2m and 525m ² x 25% = 131.25m ²	9.2 metres and 150m ² rear yard area	Yes Yes

Provision	Required	Provided	Compliance
Landscaped Area	30% of the lot area must be provided as landscaped area	47% of the total area is landscaped	Yes
	50% of the rear yard must be soft landscaped	93% rear yard	Yes
	40% of the front yard must be soft landscaped	73% front yard	Yes
Rear Yard Landscape Buffer	3 metres	9.2 metres to building	Yes
Unit Types	At least 25% of dwelling units must have at least two bedrooms 13 units x 25% = 3 units	Three (3) two-bedroom units proposed	Yes
Permitted Projections			
Permitted Projections above Height Limit	Mechanical / Service / Elevator Penthouse: the maximum height limits do not apply as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely	A mechanical penthouse is provided atop the 4 th -storey and is an appropriate height in effectively and safely accommodating its purpose	Yes
Permitted Projections into Required Yards	Covered or uncovered balcony, porch, deck or platform 1.2 m above the first floor	1.2 metre projection for rear balconies	Yes

Table 3 describes vehicle and bicycle parking requirements, and how the approved Site Plan complies with these provisions.

Provision	Required	Provided	Compliance
Vehicle Parking Requirements	0.5 spaces / unit for each unit in excess of 12. 1 unit x 0.5 = 1 space	0 spaces provided	No
Visitor Parking	0.1 per dwelling unit, less the first 12 units 1 unit required x 0.1 = 0 spaces	0 visitor spaces required	Yes
Bicycle Parking	0.5 spaces per dwelling unit 13 units x 0.5 = 7 bicycle spaces	14 spaces provided	Yes

The proposed Minor Variance seeks to address the issue of non-compliance related to lack of proposed parking on the subject property. The Zoning By-law establishes that 0.5 vehicular spaces are required, which is rounded up to one (1) space, and the proposed development does not provide any.

Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines four tests for determining the suitability of a proposed minor variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

There is one (1) variance being sought through this application to address the proposed reduction in parking requirements for the proposed development related to Section 101 of the Zoning By-law, as follows:

- / Section 101(3)(a) – *Despite Subsection (1), within the area shown as Area X on Schedule 1A:*
 - o (a) *In the case of a building containing residential uses, no off-street motor vehicle parking is required to be provided under this section for the first twelve dwelling units and the parking requirements under Table 101 apply only to dwelling units and rooming units in excess of 12.*

The proposed development provides zero (0) vehicular parking spaces where one (1) is required.

The evaluation criteria are explored below:

1) The variance is minor in nature.

The Minor Variance application for subject property seeks to facilitate the development of the proposed low-rise apartment without the required one (1) vehicular parking space. The proposed variance is minor in nature as it does not significantly affect the functionality of the subject property and conforms to the planned context of the area.

The reduction in parking to zero (0) spaces is a requirement for only one (1) of the proposed residential units as the Zoning By-law does not require any vehicular parking for the first 12 units. The Zoning By-law anticipates that residents of developments within certain inner urban neighbourhoods in the City can utilize existing transit and active transportation infrastructure as their primary form of travel. Seeing as the property is located along a prominent active transportation corridor and has access to a transit stop within 50 metres, the addition of one (1) residential unit without the addition of the required one (1) parking space will not impact the functionality or liveability of the units. The existing and planned context for the area anticipates that a greater percentage of trips will be made using active transportation, and the built form should reflect this.

The functionality and liveability of the proposed development is not anticipated to be negatively affected as a result of the proposed variance, and the existing active transportation infrastructure can provide the needed connectivity to adequately serve any future tenants. The Minor Variance is therefore minor in nature.

2) The variance is considered desirable for the development and use of the property.

The Minor Variance for the subject property to reduce the parking requirement will contribute to the overall improvement of the proposed development and is appropriate for the use of the property.

The relief sought through this application would negate the need to provide one (1) parking space and as a result, would create a more desirable front yard condition and interaction with the public realm. The requested variance will permit a higher-quality of front yard landscaping than would be possible if a driveway were to be included. The site layout provides for ample front-yard soft landscaping, including the addition of a Harvest Gold Crab Apple tree as well as a dense array of shrubs and vegetation. The required parking space and driveway would drastically limit the potential for greenspace abutting the public realm, opposed to what is currently proposed.

Additionally, the use of the property as a low-rise apartment along an active transportation corridor with direct transit access to the Westboro LRT station provides for the opportunity to remove any parking requirements in favour of alternative modes of travel.

The proposed Minor Variance for the subject property would provide for a more beneficial front yard condition and interaction with the public realm which is desirable for the development and the use of the lands.

3) The variance maintains the general intent and purpose of the Zoning By-law.

The proposed variance seeks to maintain the intent and purpose of the Zoning By-law through mitigation measures as well as responding to the existing and planned context for the area.

The reduction in parking for the proposed development only relates to the additional 13th unit which requires 0.5 spaces, as per the Zoning By-law. The purpose of this zoning provision is to ensure the impacts of spillover parking are avoided in developments with greater unit counts, as well as to ensure the development can support the various travel needs of its residents. In the case of the subject property, the proposed development provides twice the required bicycle parking (14 spaces) to ensure future residents have the facilities to adequately access and utilize transit and the existing active transportation infrastructure along Churchill Avenue North and within the Laurentian and Westboro neighbourhood. Further, tenants will be notified prior to signing a lease that no on-site parking is available for the building.

The proposed development features twice the amount of bicycle parking required per the Zoning By-law, helping to mitigate any impacts of the variance as well as to promote the planned transit and active transportation-supportive development of the area. Therefore, the Minor Variance maintains the general intent and purpose of the Zoning By-law.

4) The variance maintains the general intent and purpose of the Official Plan.

The Official Plan designates the subject property as a Minor Corridor in the Inner Urban Transect, which seeks to provide opportunities for gentle intensification, respectful of the existing context and character. The proposed Minor Variance to reduce the requirement for parking on the site from one (1) to zero (0) is supported by the applicable policies and meets the intent and purpose of the Official Plan. The policies specifically speak to reducing the requirement for parking as well as minimizing conflicts and disruptions in cycling and active transportation routes. The proposed development seeks to remove the existing curb cut on the property in order to provide additional landscaping in the front yard, as well as to improve the safety of the cycling and pedestrian network along Churchill Avenue North.

Churchill Avenue North is fitted with northbound and southbound separated bike lanes providing access between Carling Avenue and Scott Street, as pictured in Figure 1 and Figure 2. The proposed development features an improved front yard condition in relation to the public realm and pedestrian experience, specifically, an enhanced unbroken curb and tree canopy coverage. As identified on the site plan (Figure 6), the front yard features a tree and vegetation which are anticipated to grow and provide canopy coverage onto the sidewalk. As stipulated in Policy 4.8.2(4)(d), trees are considered an important element in the design of the City's active mobility network, which is inclusive of the sidewalk and bike lane abutting the subject property along Churchill Avenue North.

The exclusion of a parking space on the property negates the requirement to provide vehicular access to the site, eliminating the potential for conflicts between vehicles and pedestrians and cyclists. The Official Plan clearly outlines that parking rates for small-scale development within the Inner Urban Transect may provide no parking, and curb cuts providing access to a limited number of spaces should be avoided. In the case of the proposed development, a curb cut along an active transportation corridor to support one (1) parking space is unnecessary and in contravention of the intent of the Official Plan and its policies. The reduction in parking to zero (0) spaces will avoid adverse impacts to the existing active transportation infrastructure, protecting cyclist/pedestrian safety and the City's substantial investment in the cycling network.

The improved front-yard condition is also shown to address the specific policies in the Official Plan related to Climate Change and sustainability, specifically Section 4.8 and 10.3. The policies seek to ensure intensification efforts within the City's built-up areas enhance the cumulative resiliency of communities against the effects of a changing climate, including the urban heat island effect and cumulative surface runoff. The one (1) parking space required by the Zoning By-law would alter the site's potential to include additional permeable surfaces as well as restrict the proposed contribution to the urban tree canopy, impacting the property as well as its relationship to the adjacent public realm experience. The proposed Minor Variance seeks to improve the front-yard conditions in order to protect and enhance the permeable surface and tree canopy coverage on the property. This proposal is shown to directly address the purpose and intent of the applicable Official Plan policies related to environmentally-conscious intensification and climate resiliency.

The proposed development and relief sought through this application meets all of the applicable policies of the Official Plan relating to the provision of parking within the Inner Urban Transect along Minor Corridors, as well as the direction and policies related to Climate Change and sustainability. The proposed Minor Variance on the subject property meets the general intent and purpose of the Official Plan and its applicable policies related to parking and vehicular access to site. The reduction in parking also helps to achieve Official Plan objectives related to sustainability.

6.0 Conclusion

In our professional opinion, the Minor Variance application represent good planning and meet the applicable evaluation criteria established in Sections 45 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at saunders@fotenn.com and dallarosa@fotenn.com with any questions or requests for additional material.

Sincerely,



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