

July 21, 2023

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

RE: Application for Minor Variance
376 Madison Avenue, Ottawa

Committee of Adjustment
Received | Reçu le

2023-07-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Exchange Madison Commercial Inc. to submit an application for a Minor Variance on their behalf for the property known municipally as 376 Madison Avenue in the City of Ottawa ("the subject property"). The subject property is legally described as Lot 16, Registered Plan 179, City of Ottawa.


The purpose of the Minor Variance applications is to seek relief from Section 197(1)(b) of the Zoning By-law in order to permit 'office' and 'research and development centre' uses to locate within six (6) metres of the front building wall.

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

- / A cover letter explaining the nature of the applications;
- / The Minor Variance application form; and,
- / Site Plan.

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

Sincerely,



Evan Saunders, M.PL
Planner



Matthew McElligott, MCIP RPP
Principal, Planning & Development

Ottawa

396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
613.730.5709

Kingston

The Woolen Mill
4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7
613.542.5454

Toronto

174 Spadina Avenue, Suite 304
Toronto, ON M5T 2C2
416.789.4530

fotenn.com

Application Overview & Surrounding Context

Fotenn Planning + Design ("Fotenn") has been retained by Exchange Madison Commercial Inc. to prepare this cover letter in support of the Minor Variance application for the property known municipally as 376 Madison Avenue, in the City of Ottawa. The purpose of the Minor Variance application is to seek relief from a specific provision of the Zoning By-law (2008-250) in order to permit for 'office' and 'research and development centre' uses to locate within a depth of six (6) metres of the front wall of the building on the subject property.

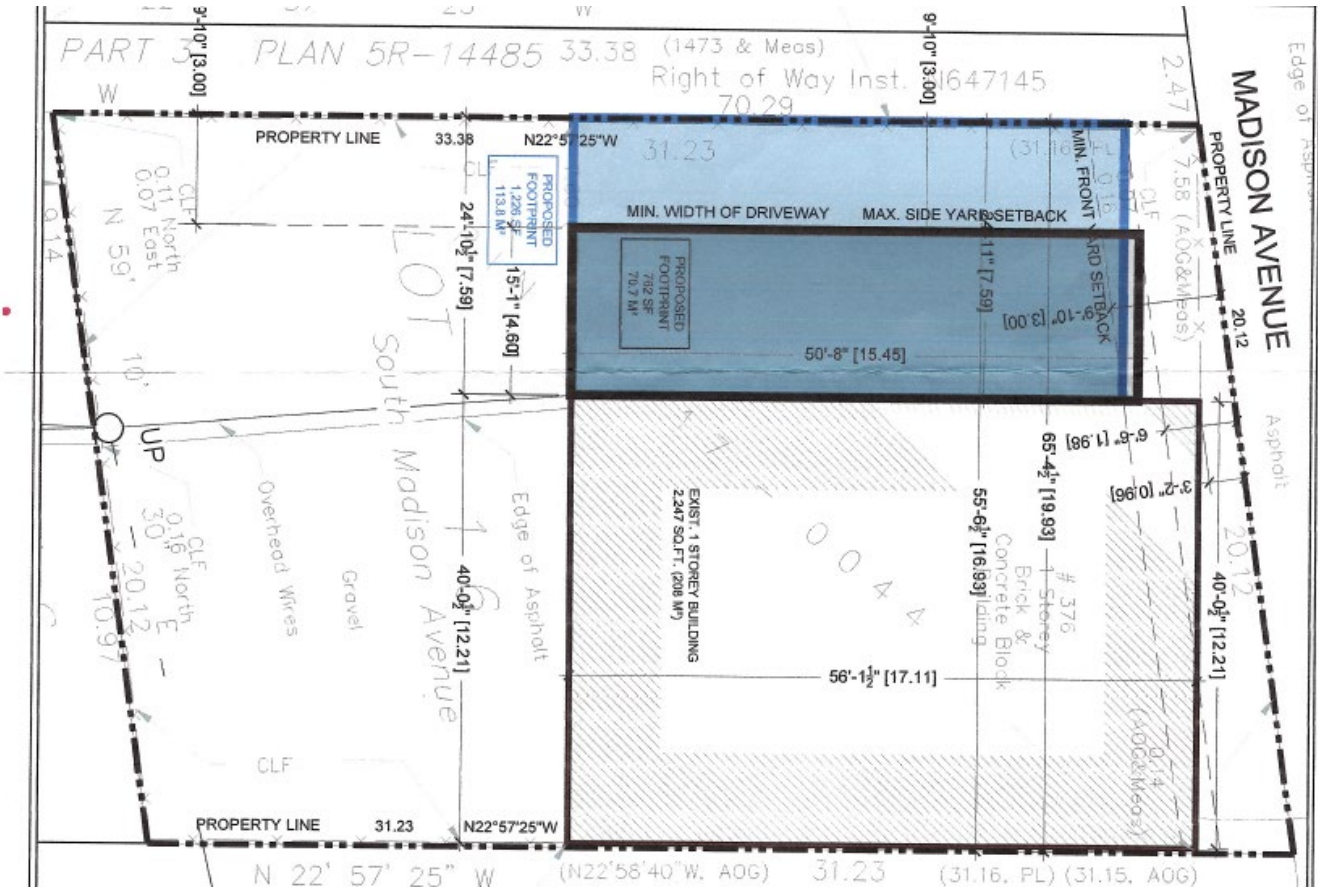


Figure 1: Site Plan of the subject property showing the existing development and proposed building addition on the site.

1.1 Overview of Subject Property

The subject property, which is legally described as Lot 16, Registered Plan 179 in the City of Ottawa, has a lot frontage of 20.12 metres along Madison Avenue and a lot depth of 31.22 metres, resulting in a total area of approximately 623.92 m². The property is currently occupied by a one (1) storey commercial building with approximately four (4) parking spaces located at the rear of the building. The existing building on the property has a gross floor area (GFA) of approximately 208m², and a recent building permit submission is seeking to create an addition of approximately 113.8m² GFA along the west side of the building, resulting in a new total GFA of approximately 321.8m². The existing building, now vacant, was previously occupied by West End Kids, a local children’s store, but has since closed. The previous use of the space provided for additional retail space as well as office accommodations in conjunction with their primary operation located to the rear at 373 Richmond Road.

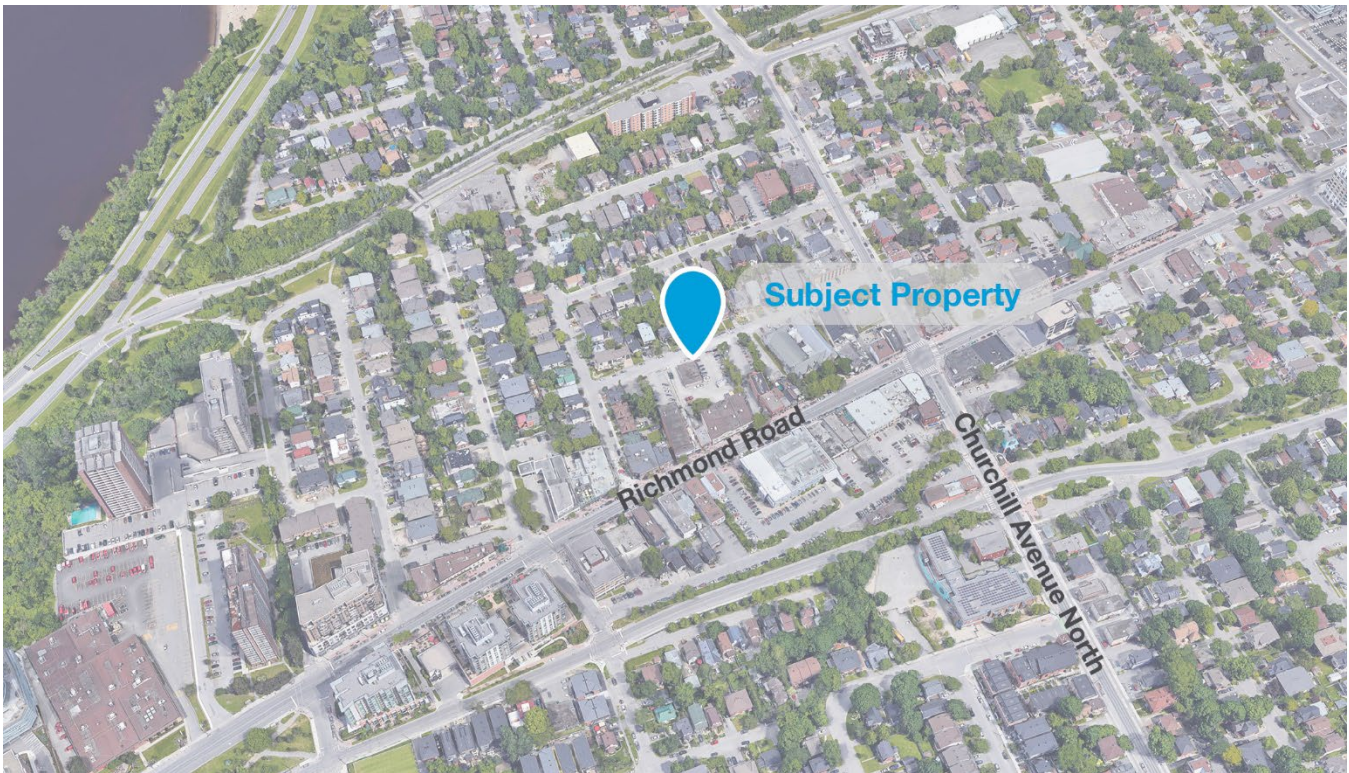


Figure 2: Surrounding context (subject property identified).

1.2 Surrounding Context

The subject property is located in the Westboro neighbourhood in the City of Ottawa. The area surrounding the subject property is characterized by similar low-to-mid-rise commercial buildings along the Richmond Road corridor and low-rise residential uses abutting the corridor to the north and south. The description of the surrounding context is as follows:

North: The area to the north of the subject property is characterized by the low-density, low-rise built form of the residential areas found in the Westboro neighbourhood. The housing mix consists of single-detached, semi-detached, and low-rise apartment dwellings. Further north is the Kichi Zibi Mikan Parkway abutting the Ottawa River.

East: Immediately east of the subject property are several properties several along Madison Avenue zoned Traditional Mainstreet, including the All Saints Anglican Church. Further east is the Churchill Avenue North corridor characterized by low to mid rise small-scale commercial and residential uses.

South: Immediately south of the subject property is the Richmond Road commercial corridor, characterized by low-rise commercial buildings with retail uses at-grade and office uses located above.

West: West of the subject property is the continuation of the Richmond Road mainstreet character with low-rise residential uses located to north. Further west is the Kichi Zibi Mikan Parkway and Ottawa River-front pathway.

2.0 Policy & Regulatory Framework

2.1 Provincial Policy Statement (2020)

The Provincial Planning Statement (PPS), which came into effect on May 1, 2020, is a policy document issued under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All municipal development policies, documents and decisions must be consistent with the PPS, read as a whole. 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”.

- / 1.3.1 Planning authorities shall promote economic development and competitiveness by:
 - o a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - o b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - o d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
 - o e) ensuring the necessary infrastructure is provided to support current and projected needs.

The proposed Minor Variance is consistent with the applicable policies and direction of the PPS as it relates to employment uses. The proposed Minor Variance on the subject property provides for low-impact employment uses in an area that is well-serviced and located in proximity to residential areas as well as a major transportation corridor and major rapid transit infrastructure. The proposed uses help to diversify the local economic base through the provision of high-quality employment opportunities in an existing building, creating a local mix of uses in the Westboro neighbourhood. Further, the proposed uses does not detract from the viability of the Richmond Road Mainstreet and is compatible with existing uses along Madison Avenue.

2.2 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.

2.2.1 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.

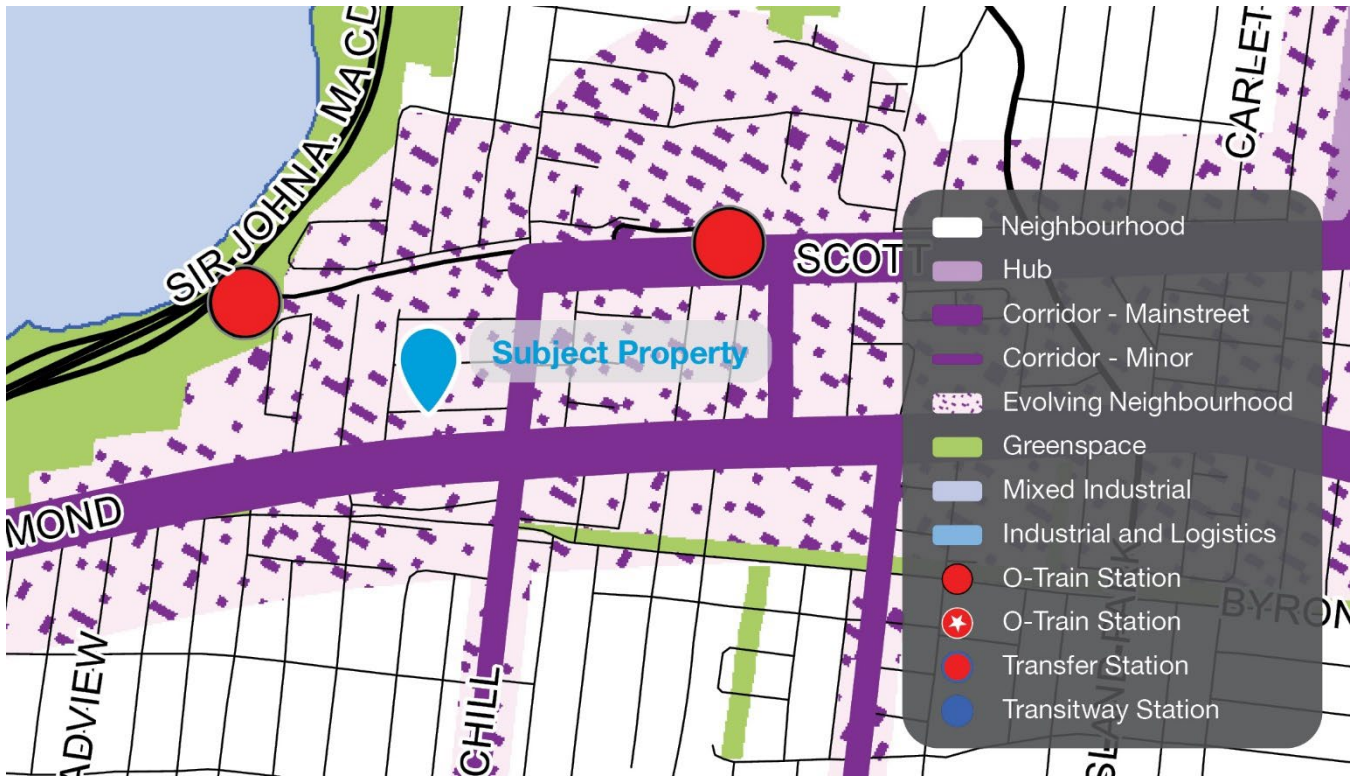


Figure 3: Schedule B2 - Inner Urban Transect (subject property identified).

2.2.2 Neighbourhood Designation

The subject property is designated “Neighbourhood” in Schedule B2 of the Official Plan (Figure 3.). The Neighbourhood designation represents the core of the communities found in the urban and suburban areas of the City. The stage of evolution varies across neighbourhoods around the city, and the policies of the Official Plan recognize this, and help to guide development towards the desired 15-minute neighbourhood pattern of development. Policy 2 of Section 3.5 outlines the role of Neighbourhoods in supporting small-scale employment uses, including office-based uses. The size of the employment uses are to remain small so as to not overwhelm the existing neighbourhood context, in keeping with the low-intensity and low-scale build form.

Specific policies that apply to this proposal include:

- / 6.3.1 4) The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:
 - o d) To provide for a range of local services and promote the emergence or strengthening of 15-minute neighbourhoods, the Zoning By-law may permit compatible and complementary small-scale non-residential uses that:
 - i) Are compatible with, and do not reasonably pose a risk of nuisance to, nearby residential uses;
 - ii) Are contained within building forms and site design compatible with low-rise, predominantly residential neighbours;
 - iii) Are appropriately integrated with the neighbourhood street network, pedestrian network and public realm;
 - iv) May establish building and site design standards specific to such uses, in order to ensure functional requirements and context sensitive building form are met;

- v) May restrict or prohibit motor vehicle parking in association with such uses; and,
- vi) Limits such uses to prevent undue diversion of housing stock to non-residential use.

Based on the classification criteria established by each designation in the Official Plan, the subject property was determined to be designated as Neighbourhood. Per policy 6.2.1, the Corridor designation applies to those lots abutting the mainstreet, individual lots along a side street intersecting with the mainstreet, as well as lots which are designated as corridor per the applicable secondary plan. In the case of the subject property, given its location in relation to Richmond Road, the criteria of the Corridor designation do not apply, and as a result, the Neighbourhood designation applies.

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 non-residential development within the Inner Urban Transect and the role of the Neighbourhood designation in accommodating a range of uses in pursuit of the 15-minute neighbourhood goals established through this Plan. This review examined the policies as they apply to the proposed Minor Variance application on the subject property. The policies of the Official Plan were shown to be supportive of the proposed employment uses on the subject property, enclosed within an existing building.

2.3 Richmond Road / Westboro Secondary Plan

The Richmond Road/Westboro Secondary Plan is a guide to its long-term design and development, taking into consideration land use, urban design, zoning, transportation, existing streetscape conditions, compatibility of new development, and other issues of concern to the local communities. The Secondary Plan provides a framework for the overlying objectives and principles through the policy context for the specific sectoral strategies that focus on land use and building scale, as well as a greenspace network strategy. The Secondary Plan provides detailed background information on existing conditions and community issues as well as land use policy and zoning recommendations.

The Richmond Road / Westboro Secondary Plan provides general guidance towards providing a range of uses within the Plan area, emphasizing the importance of non-residential uses in helping to create 15-minute neighbourhoods. The proposed Minor Variance to allow office and research and development centre uses within 6 metres of the front wall of the building aligns with the goals and direction provided by the Plan and is consistent with all applicable policies.

2.4 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject property is zoned TM[1675] H(24) – Traditional Mainstreet Zone, Urban Exception 1675, Height Limit of 24 metres.

The table below lists the permitted uses in the TM zone:

Residential Uses	Non-Residential Uses
/ apartment dwelling, low rise	/ amusement centre
/ apartment dwelling, mid rise (By-law 2014-292)	/ animal care establishment
/ bed and breakfast	/ animal hospital
/ dwelling unit	/ artist studio
/ group home	/ bank
/ home-based business	/ bank machine
/ home-based day care	/ broadcasting studio
/ retirement home	/ catering establishment
/ retirement home, converted	/ cinema
/ rooming house	/ click and collect facility
	/ community centre

- / community health and resource centre
- / convenience store
- / day care
- / diplomatic mission
- / emergency service
- / hotel
- / instructional facility
- / library
- / medical facility
- / municipal service centre
- / museum
- / **office**
- / park
- / parking garage
- / payday loan establishment
- / personal brewing facility
- / personal service business
- / place of assembly
- / place of worship
- / post office
- / recreational and athletic facility
- / **research and development centre**
- / residential care facility (By-law 2011-273)
- / restaurant
- / retail food store
- / retail store
- / school
- / service and repair shop
- / storefront industry
- / theatre
- / training center
- / urban agriculture

Section 197(1) The following non-residential uses are permitted subject to:

- b) where in a commercial or mixed use building and located on the ground floor abutting a street having direct pedestrian access to that street, residential, office and research and development centre uses must not be located within a depth of six metres of the front wall of the main building abutting the street.

Zoning Mechanisms	Provisions	Provided	Compliance
Minimum lot area	No minimum	623.92m ²	YES
Minimum lot width	No minimum	20.12m	YES
Minimum Front Yard Setback – as per Exception 1675	3 metres	0.96m	YES

Maximum interior side yard setbacks	Between a non-residential or mixed-use building and another non-residential or mixed-use building	3 metres	0m	LNC - YES
	Where a driveway is provided, leading to a parking lot of 20 or more spaces	Maximum of 6 metres		LNC - YES
Minimum interior side yard setbacks	All other cases	No minimum	0m	YES
Minimum rear yard setback	(iv) other cases	No minimum	0m	YES
Building height	(i) minimum	6.7 metres; for a distance of 20 metres from the front lot line	~4m	LNC - YES
	(ii) maximum	24 metres	~4m	YES
Maximum floor space index	No maximum		N/A	YES
Minimum parking requirements	Area Y: Any lot that forms part of a contiguous block of TM or AM zoning abutting a mainstreet shown as Area Y In the case of any other non-residential use with a gross floor area of 500 square metres or less, no off-street motor vehicle parking is required to be provided.	N/A		YES

Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “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 related to Section 197 of the City of Ottawa Zoning By-law. The variance is outlined in further detail below:

- / Section 197(1)(b) – The following non-residential uses are permitted subject to: :
 - o *where in a commercial or mixed use building and located on the ground floor abutting a street having direct pedestrian access to that street, residential, **office and research and development centre uses** must not be located within a depth of six metres of the front wall of the main building abutting the street;*

The proposed uses seek to occupy an existing commercial building, including a planned addition to the building up to and including a depth of six (6) metres from the front building wall.

The evaluation criteria are explored below:

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

The Official Plan designates the subject property as Neighbourhood in the Inner Urban Transect, which seeks to respect the existing character of its context, while supporting a range of commercial and residential development of an urban built form. As outlined in Policy (4) of Section 6.3 of the Official Plan, Neighbourhoods shall encourage a range of residential and non-residential uses that help to promote the emergence of the 15-minute neighbourhood. Small-scale office use provides for employment opportunities in proximity to abutting residential areas as well as within the immediate proximity of a Corridor and Transit stations, which helps to locate employment opportunities close to local residents as well as those utilizing alternative modes of transportation along key transportation and transit networks.

The proposed uses on the subject property align with the priorities set through the applicable land use designation and transect policies, maintaining the general intent and purpose of the City of Ottawa Official Plan.

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

The proposed variance maintains the general intent and purpose of the Zoning By-law as the specific provision under evaluation presents a requirement that neglects the existing context of the subject property and character of the street. Section 197 of the Zoning By-law was intended to represent properties fronting on streets designated as Traditional Mainstreets in the City of Ottawa Official Plan (2003; repealed), which in this case is Richmond Road. Due to the unique location of this property, being behind the Traditional Mainstreet, it is our opinion the provision is meant to apply solely to Richmond Road and not adjacent streets within the area. The Zoning By-law requirements for the Traditional Mainstreet (TM) zone seek to animate the street frontage along the mainstreet through uses, such as retail, and built form features, such as glazing, which demand and encourage pedestrian-level activity and interaction along the street. Although zoned TM, the subject property does not have frontage along Richmond Road – the intended mainstreet – therefore, the frontage for which the intent of the By-law refers to is not the practical ‘front’ of the lot. Although not worded specifically, the applicable provision of the By-law intends to regulate uses within the first six (6) metres of the front building wall along Richmond Road (the target mainstreet), not Madison Avenue. This has been confirmed by the City of Ottawa Zoning interpreter.

The establishment of the proposed uses within six (6) metres of the front building wall would not detract from the desired character along the intended mainstreet (Richmond Road) as the subject property’s frontage is along Madison Avenue. Therefore, the proposed minor variance maintains the general intent of the Zoning By-law.

3) The variance is minor in nature.

The proposed variance seeks to permit 'office' and 'research and development centre' uses within the existing building and planned addition on the site. The relief sought through this variance seeks only to establish uses, which are already generally permitted and contemplated for within the existing zoning, within six (6) metres of the front building wall. The proposed uses will not present any additional impacts as a result of being located within six (6) metres of the front building wall that are not already anticipated per the existing permitted uses of the existing zoning.

Given the uses are permitted by the existing zoning and relief is sought simply to allow the uses within the first 6 metres of the front wall, it is our professional opinion that the proposed variance is minor in nature.

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

The proposed use does not present or create adverse impacts beyond what is anticipated by the context or existing zoning on the site. The context along the south side of Madison Avenue is primarily defined by surface parking and the rear-yard conditions of the buildings fronting on Richmond Road, while the north side of the street is characterized by several detached and semi-detached residential dwellings. The proposed uses represent a compatible use contained within a built form that is appropriate due to its low intensity of use.

The proposed variance sought through this application facilitates the efficient use of the subject property and permits a compatible set of land uses within the existing context of the south-side of Madison Avenue without contributing any adverse impacts on the existing and planned character of the neighbourhood. The planned context for the area seeks to establish a mixture of small-scale commercial uses, including office and research and development centre, to provide for employment opportunities in proximity to transit and existing residential areas. Therefore, the proposed variance is desirable for the use of the subject property and would permit for small-scale commercial uses in an area planned to accommodate a range of residential and non-residential uses.

4.0 Conclusion

In our professional opinion, the Minor Variance application represents good planning and meets 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 mcelligott@fotenn.com with any questions or requests for additional material.

Sincerely,



Evan Saunders, M.PL
Planner



Matthew McElligott, MCIP RPP
Principal, Planning & Development