

November 6, 2023

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

Committee of Adjustment
Received | Reçu le

2023-11-23

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: Applications for Consent
1400, 1410, 1420, 1430 & 1440 Blair Towers Place, Ottawa

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by CR5 Blair Towers Inc. (the "Owner") to submit this enclosed Consent applications on their behalf for the property known municipally as 1400, 1410, 1420, 1430, and 1440 Blair Towers Place in the City of Ottawa ("the subject lands"). The subject lands are currently developed with two (2) seven-storey, and two (2) eight-storey office buildings as well as associated above-grade parking structures.

These applications seek the consent of the Committee of Adjustment for a lot line adjustment to enlarge Part 2 on the Draft Reference Plan submitted with the applications through the addition of Part 3, on the Draft Reference Plan, as well as the creation of reciprocal easements over Parts 1 and 3 on the Draft Reference Plan. Parts 1 and 3 will continue to be subject to Right-of-Ways (ROWs) in favour of the remainder of the subject lands, but are also now proposed to be subject to reciprocal ROWs in favour of each other – as the property is under an agreement of purchase and sale.

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

- / A cover letter/report explaining the nature of the applications;
- / The consent application forms;
- / Registered Reference Plan – 4R-7647, prepared by Fairhall, Moffatt & Woodland Ltd.;
- / Draft R-Plan prepared by Fairhall, Moffatt & Woodland Ltd.; and,
- / Parcel abstracts confirming the name of the registered owners of the properties.

Sincerely,



Evan Saunders
Planner



Paul Black, MCIP RPP
Associate, Planning / Managing Director

1.0 Introduction

1.1 Subject Lands Description

The subject lands in their entirety are known municipally as 1400, 1410, 1420, 1430, and 1440 Blair Towers Place, though only the lands identified as PINs 04363-0001 and 04363-0002 are subject to this application. As is discussed greater detail below, the parcel fabric that exists today was established by the previous owner in 1991 through a series of self-to-self severance transfers in which seven (7) individual parcels were created. Additionally, title to the properties was converted from Registry into Land Titles in 1995, resulting in the assignment of the current 7 PINs. The property is currently improved with two (2) seven-storey and two (2) eight-storey office buildings along with a shared private road and above-grade parking structure.

The subject lands are located southeast of the intersection of Blair Road and Ogilvie Road and bound by the Blair Road Highway 174 exit ramp to the south. The subject lands have a total lot area of 39,502 square metres, with approximately 167 metres of frontage along Blair Road, approximately 128 metres of frontage along Blair Towers Place, and approximately 25 metres along Ogilvie Road.

The western portion of the property, fronting on Blair Road, is occupied by a privately-owned driveway and a large amount of soft landscaping area. The driveway is a one-way vehicular entrance onto the lands accessible only to northbound Blair Road traffic. Due to the 'entry-only' nature of the access driveway from Blair Road, a vehicular turnaround is provided in order to allow for error correction in the event that vehicles mistakenly travel westward along this stretch of the driveway and are required to turn around. The one-way driveway extends eastward onto the lands, providing access to the four (4) office towers and their associated parking garages, concluding at the easterly edge of the property, Blair Towers Place. Blair Towers Place provides for full-movement access onto the lands via split ingress and egress lanes.



Figure 1: Site Context (Subject Lands identified).

1.2 Surrounding Context

The subject lands are in the Beason Hill / Cyrville neighbourhood of the City of Ottawa, an area generally characterized by large-format retail and commercial areas as well as demarcated low-density residential neighbourhoods. The Blair LRT Station, located on the west side of Blair Road, is approximately 400 metres walking distance from the subject lands. The area has been subject to several transit-oriented development applications in proximity to the Blair LRT Station, primarily constrained to the areas to the south of Ogilvie Road and west of the subject lands.

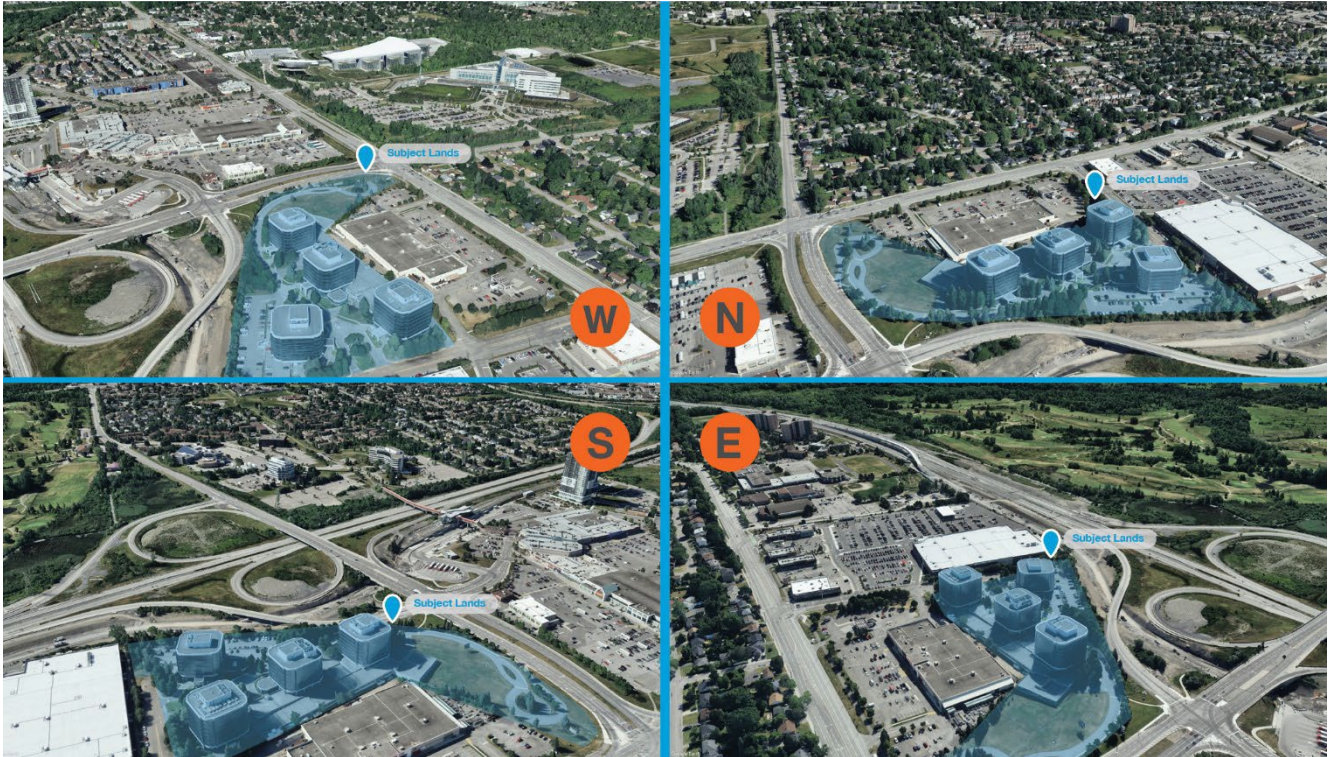


Figure 2: Graphic depicting the surrounding context.

North: The property directly to the north of the subject lands is the Canadian Tire large-format retail store, located along Ogilvie Road. Beyond Ogilvie Road to the north are the Cardinal Heights and Beacon Hill South residential neighbourhoods. This area is characterized by a mix of single-detached, semi-detached, and townhouse dwellings, extending northwards towards Montreal Road.

West: Immediately west of the subject lands is the Gloucester Centre shopping centre and the Silver City Shopping Centre. Characterized by a grocery store, as well as smaller-scale retail and commercial service uses, the mall area features a large surface parking lot for both mall patrons as well as those accessing the Blair Station LRT at the south end of the mall abutting Highway 174. The area surrounding the LRT Station is currently the site of several ongoing and proposed transit-oriented projects, poised to support greater residential and commercial densities as envisioned by the Official Plan. Further west, north of Ogilvie Road, is the Federal Government's Canadian Security and Intelligence Service (CSIS) and Canadian Security Establishment (CSE) campus lands, which extends north towards the National Research Council (NRC) located along Montreal Road.

South: South of the subject lands is the Highway 174, which provides a connection between communities located to the east of the Greenbelt and Highway 417. Further south along Blair Road is the Telesat Crescent office park consisting of four (4) buildings. On the east side of Blair Road is the Pine View Golf Course which represents the edge of the Greenbelt lands.

East: The sites to the east of the subject lands have been recently redeveloped with a Costco Wholesale retail store and the Shopper's City East retail shopping centre abutting Ogilvie Road. Further east are several community and institutional facilities, including Earl Armstrong Arena, Splash Wave Pool, and Gloucester High School, as well as outdoor facilities abutting the Highway 174.

Proposed Consent

2.1 Application History

The current configuration of the lands was created through a series of consent applications and self-to-self severance transfers of the lands by the previous owner. As part of these applications, the lands were severed to create seven (7) parcels in accordance with the parts on the Registered Reference Plan, provided as part of this submission (4R-7647). Figure 3 depicts the existing layout of the seven (7) parcels on the lands. The PINs ending in 0002 through 0007 were originally envisioned to support the planned office complex, including five (5) office towers and associated parking areas. Over the course of the project rollout, the office building on the parcel PIN ending in 0002 was never developed. As such, these lands are now being considered for development in line with the transit-oriented development envisioned for the area surrounding the Blair LRT Station, and are for sale.

The PIN ending in 0001 encompasses the entirety of the driveway through the site, while the remaining parcels were to feature development. Due to the unique driveway configuration onto the site from Blair Road and the independent parcel fabric established for each building, the previous severance applications established reciprocal easements in relation to the access and servicing across the lands. The easements grant access across the entirety of the driveway parcel (PIN 04363-0001), providing for access onto the lands from the Blair Road entrance towards the sole egress from the lands onto Blair Towers Place.

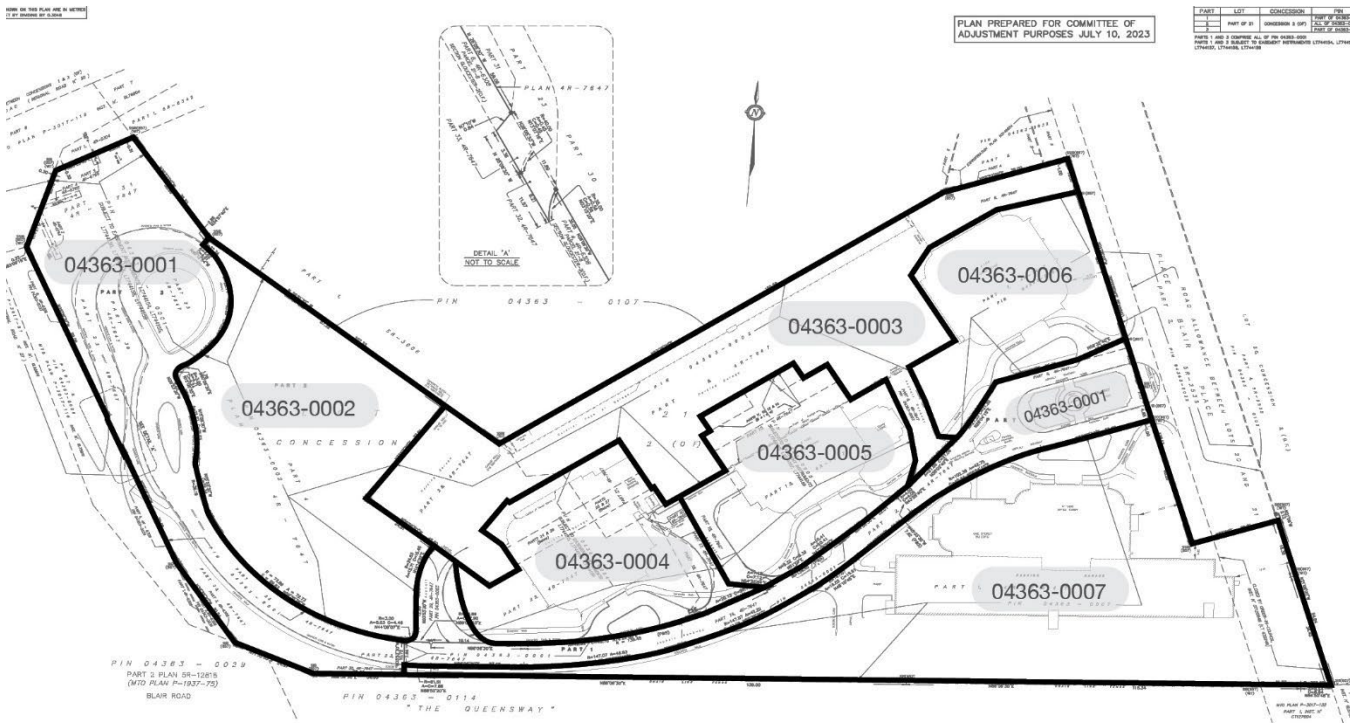


Figure 3: Existing Parcel Layout, Identified by PIN.

2.2 Proposed Consent Application

The purpose these applications is to adjust the existing lot lines to allow for the sale and transfer of a portion of the subject lands (Parts 2 and 3) whilst still providing access to the existing office complex via the entry-only driveway at the western edge of the subject lands, as depicted in the Draft Reference Plan included as part of this submission. The applications are seeking to sever Part 3 from Part 1, in order to add Part 3 to Part 2. Reciprocal easements over Parts 1 and 3 are also sought through the primary as well as the secondary consent.

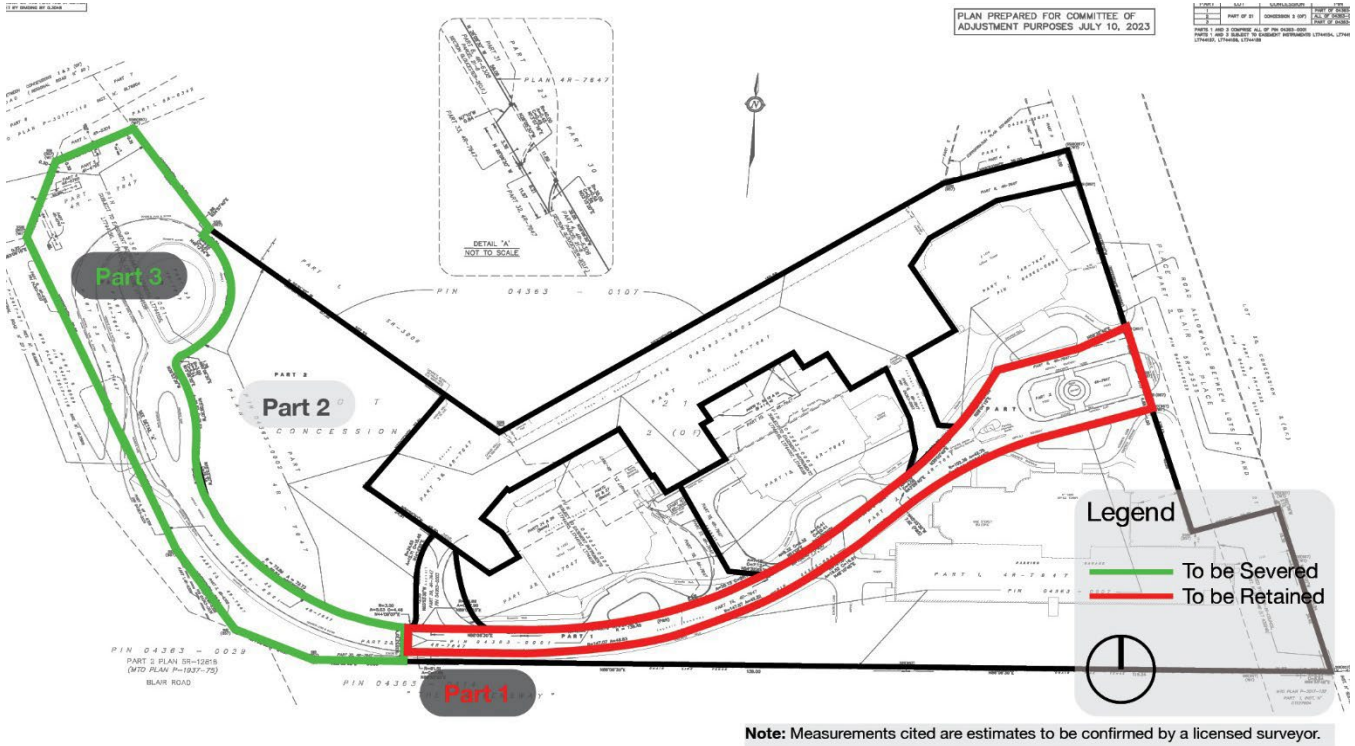


Figure 4: Proposed Severance graphic, illustrating the relevant parts as depicted on the Draft Reference Plan. Per the description provided through this Cover Letter, Part 3, as illustrated, is intended to be merged with Part 2 and sold as a single parcel to a separate owner while Part 1 is to be retained by the current owner.

	Retained	Severed
Parts on 4R-7647	Parts 2, 3, 6, 16 & 23	Parts 23, 31, 32 & 33
Parts on Draft Reference Plan	Part 1	Part 3
Parcel Frontage	27.04 metres	25.06 metres
Parcel Depth	~232.50 metres	~181.20 metres
Parcel Area	2,724.10m ²	5,426.30m ²

The previous applications on the lands granted easement rights over the entirety of the driveway, identified as Parts 1 and 3 on the Draft Reference Plan. Although the existing easements over Part 3 in favour of Part 2 will merge on title, access over Part 3 by the remainder of the subject lands will continue through the existing easements in favour of the remaining lands as per the previous severance transfers.

The applications propose to add reciprocal easements over Parts 1 and 3. These easements are intended to allow access onto the subject lands for the seven (7) parcels and to provide access for municipal services through the lands.

The easements are described as follows:

Parts on Draft Reference Plan	Type of Easement	Area (m²)	From	In Favour Of
Part 1 & Part 3	Access & Servicing	2,724.10	Part 1	Part 3
Part 1 & Part 3	Access & Servicing	5,426.30	Part 3	Part 1

3.0 Policy & Regulatory Framework

3.1 Provincial Policy Statement

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”.

The PPS states that Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) 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;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

The PPS delineates that Settlement Areas shall be the focus of growth and development, and land use patterns within Settlement Areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) 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;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the impacts of a changing climate;
- e) support active transportation;
- f) are transit-supportive, where transit is planned, exists or may be developed; and
- g) are freight-supportive.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- / 1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.
- / 1.7.1 Long-term economic prosperity should be supported by:
 - c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

The Consent applications represent an opportunity to consolidate a portion of the lands abutting Ogilvie Road and Blair Road, creating a lot with the potential for viable transit-oriented development, taking advantage of the existing transit, road, and servicing infrastructure. The proposed Consents represent the consolidation of a lot and accompanying easements in line with the Provincial priorities established through the PPS.

3.2 City of Ottawa Official Plan (2022)

The Official 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.

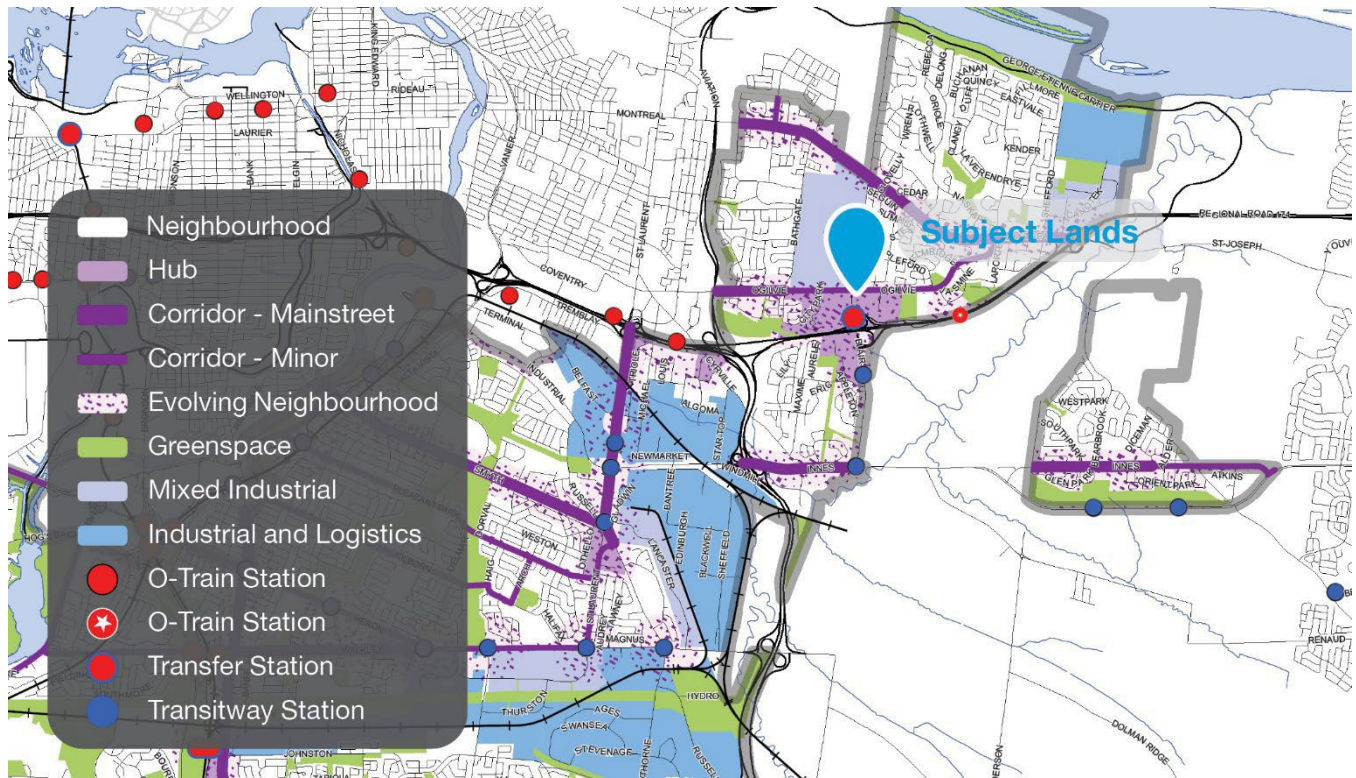


Figure 5: Schedule C3 - Outer Urban Transect (subject lands identified).

3.2.1 Growth Management Framework

Ottawa's population is projected to grow by 40 per cent between 2018 and 2046. Much of the demand for new housing is expected to be for ground-oriented units, such as single-detached, semi-detached, rowhouse dwellings and new forms not yet developed. Within the Greenbelt, where most of the housing growth in the built-up area is expected to occur, new housing development will be both in the form of larger dwelling units and apartments.

The proposed lot line adjustment will make lands, with existing services and in proximity to transit, readily available for redevelopment in order to accommodate growth. Although no development on the lands is proposed through this application, this lot line adjustment will maintain adequate access to the existing office park as an interim condition while providing for the opportunity to support intensification on the existing vacant, serviced lands within the built-up urban area.

3.2.2 Outer Urban Transect

The subject lands are located within the Outer Urban Transect area as defined on Schedule A of the Official Plan. The Outer Urban Transect consists of neighbourhoods within the Greenbelt, built in the latter part of the twentieth century. The dominant urban form is that of the classic suburban model with the distinct separation of uses and car-oriented infrastructure. The Plan sets out strategies to transform these spaces into versatile areas capable of supporting multi-modal transportation. The policies of the Outer Urban Transect outline growth strategies for existing established neighbourhoods as well as areas with greater potential for intensification, including hubs and corridors.

3.2.3 Hub Designation

The subject lands are designated as a Hub on Schedule B2 of the Official Plan. Hubs are areas centred on planned or existing rapid transit stations and/or frequent street transit stops. The planned function of Hubs is to concentrate a diversity of functions, a higher density of development, a greater degree of mixed uses and a higher level of public transit connectivity than the areas abutting and surrounding the Hub.

The proposed lot line adjustment and secondary Consent does not impede or limit redevelopment opportunities on the severed lands, allowing for redevelopment and intensification, in line with the objectives and policies of the Outer Urban Transect and Hub designation. The proposed lot size and existing servicing and access characteristics allow for the opportunity and potential to develop the severed lands as anticipated through the relevant Official Plan policies, though no development is proposed through these Consent applications.

3.3 Inner East Lines 1 and 3 Stations Secondary Plan

The Inner East Line 1 and 3 Stations Secondary Plan establishes policy on maximum building heights and minimum densities within the planning area, identified in Schedule A - Maximum Building Heights and Minimum Densities (Figure 6). The densities and height identified through the Plan encourage intensification in proximity to transit, in line with the previous Transit-Oriented Development Plans established for the area.

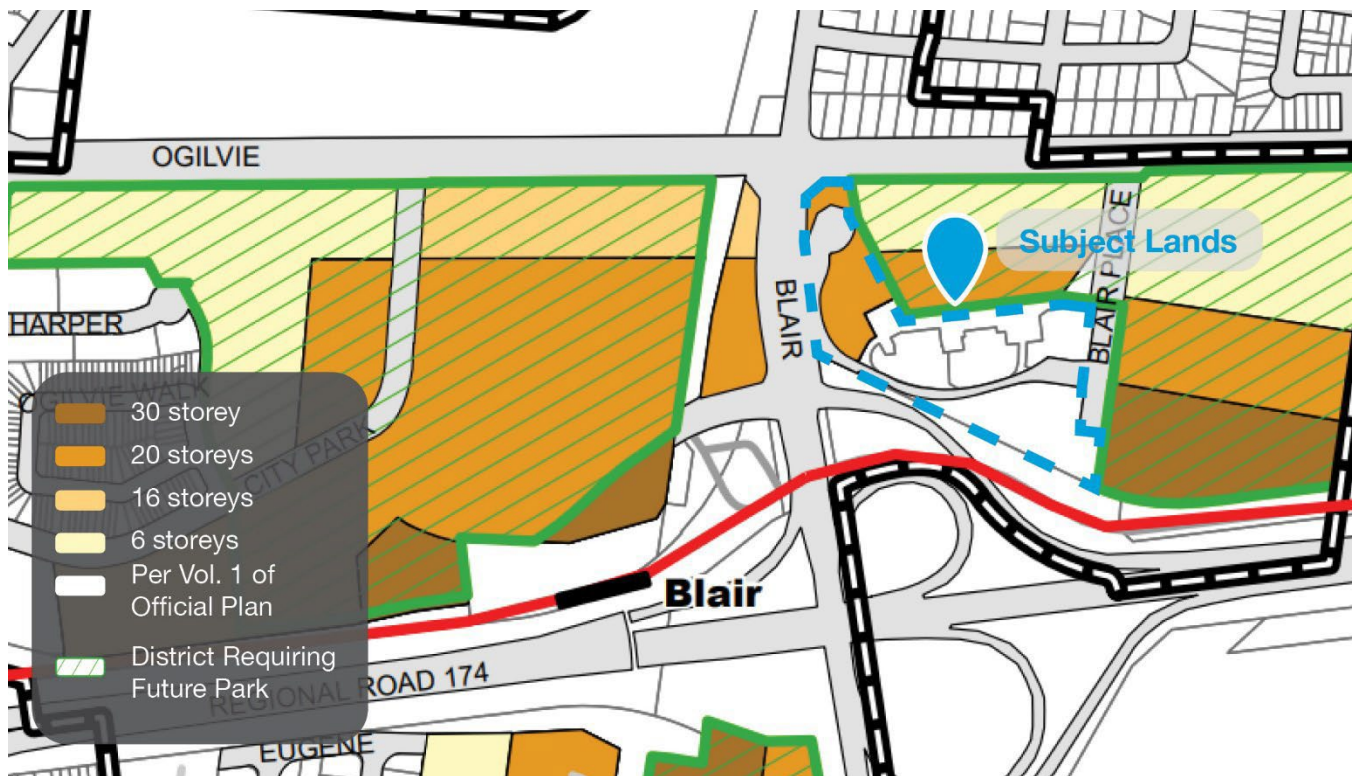


Figure 6: Schedule A - Maximum Building Heights and Minimum Densities (subject lands identified).

Although no specific policies pertain to lot creation within the study area of the Plan, Schedule A (Figure 6) identifies the areas proposed to be severed as having a greater maximum building height and density as opposed to the lands proposed to be retained. The Consent applications seek to create a distinct parcel for which these lands may redevelop and further represent the planned context for the area. The proposed severances represent the creation of a lot in line with the policies of the Secondary Plan so as to not further divide any parcels representing a single designation.

3.4 Comprehensive Zoning By-law (2008-250)

The subject lands are split-zoned. The proposed retained lands are zoned “Mixed-Use Centre, Maximum FSI 1.8, Maximum Height 48 metres (MC F(1.8) H(48))” while the proposed severed lands are zoned “Transit-Oriented Development Zone, Subzone 2, Special Exception 2085 (TD2[2085])”.

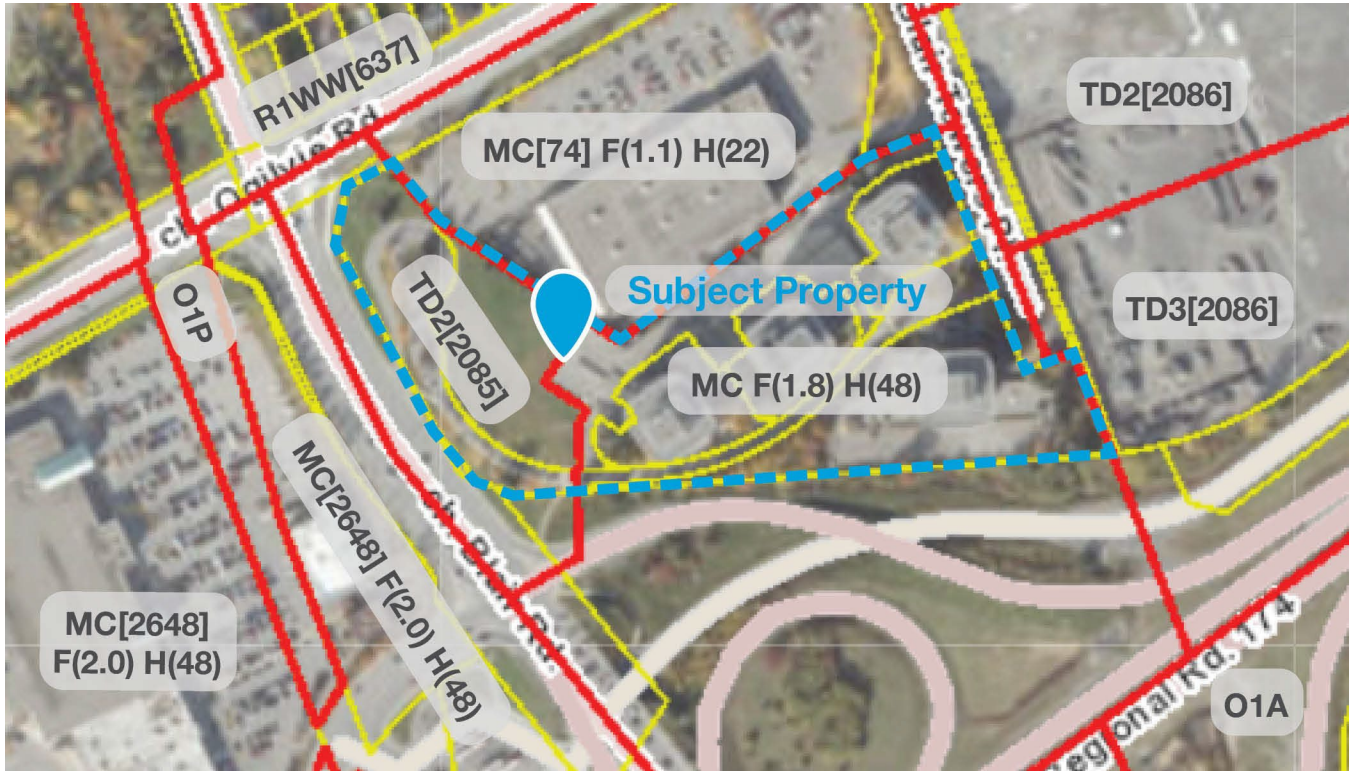


Figure 7: City of Ottawa Zoning By-law

The purpose of the MC zone is to ensure that areas accommodate a combination of transit-supportive land uses in a compact and pedestrian-oriented built form in mixed-use buildings or side-by-side in separate buildings.

The purpose of the TD zone is to establish minimum density targets needed to support LRT use for lands within the TOD plan areas and to accommodate a wide range of transit-supportive land uses such as residential, office, commercial, retail, arts and culture, entertainment, service and institutional uses in a compact pedestrian-oriented built form at medium to high densities. Subzone 2 permits building heights of up to 20 storeys or 60 metres.

Exception 2085 contains site-specific provisions implemented as part of the TD zoning implementation in 2014 which permits any uses that existing prior to January 22, 2014, to remain with limited expansions without requiring the implementation of the TD zone provisions. Any new development or new use proposed for the lands are required to implement the full TD zone requirements.

3.4.1 Severed Lands

Table 1: Zoning Table for Lands to be Severed.

TD2[2085]	Requirement	Compliance
Minimum Lot Width	No minimum	Yes
Minimum Lot Area	No minimum	Yes

4.0 Ontario Planning Act – Consents

4.1 Legislative Authority

Section 53(1) of the Ontario Planning Act pertains to Consents and Plans of Subdivision. It states that an owner:

“may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this subsection, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”

Section 53(12) of the Planning Act notes that when determining if a consent is to be given, a council or the Minister:

“shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent”.

4.2 Consent Criteria

Section 51(24) of the Planning Act sets forth the criteria for considering Plans of Subdivision with regards to the “health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.” A response to each of the criteria from Section 51(24) is provided below.

“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2);
The proposed Consents conform to the goals and policies of provincial interest, as referenced in Section 3.1 of this Cover Letter.
- b) Whether the proposed subdivision is premature or in the public interest;
The proposed Consents would ensure suitable redevelopment capabilities on both the severed and retained lots. In the case of a redevelopment scenario on the severed lands, a strategy to realign and coordinate new and shared servicing will be pursued. In the interim, an ECA may be requested as a condition of the approval of this consent, seeing as this application does not include any plans for redevelopment on either the severed or retained lands.
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
The proposed Consents conform to the policies of the City of Ottawa Official Plan, specifically, the Outer Urban Transect and Hub designation policies, as they are applicable to the subject lands. These applications align with the policies guiding development and lot creation in the urban area, providing for opportunities to redevelop lands in proximity to transit with the residential and commercial densities anticipated through the relevant policies.
- d) The suitability of the land for the purposes for which it is to be subdivided;
The subject lands are irregularly shaped and encompass a suitable area for large-scale redevelopment initiatives in the future. These applications seek to create sizable parcels of land made distinct by the underlying zoning delineated across the lands. The severed lands feature a TD zoning which allows for greater densities and is anticipated to support transit-oriented purposes as opposed to the MC zoning found on the retained lands.
 - d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

These applications are not considering any proposed development on the subject lands at the time of these applications.

- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Blair Road is identified as an Arterial Road, providing significant connections through this area of the City, while also acting as a transit-priority corridor surrounding the Blair Station LRT. Blair Towers Road is a Local Road which provides access to the subject lands as well as the newly-developed retail plaza to the east, including a Costco Wholesale. The existing road networks extending from the subject lands, allow for adequate access to and away from the lands.

The driveway accessing the subject lands from Blair Road acts as an entry-only driveway to the lands while an exit and alternative entry is provided from Blair Towers Place. The driveway across the lands has been established previously through an easement agreement at the time of previous Consent applications on the lands, but, due to the new parcel fabric proposed through these applications, additional blanket easements are proposed in order to grant access through the entirety of the lands.

- f) The dimensions and shapes of the proposed lots;
The proposed Consent applications create two (2) irregularly-shaped lots, from an existing irregularly-shaped lot. The shape and dimensions of these parcels are not so that development is constrained or prohibited on the lands.
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land;
No restrictions are anticipated as part of these Consent applications.
- h) Conservation of natural resources and flood control;
There are no restrictions based on the presence of any natural resources or flood controls on the subject lands that would impact these Consent applications.
- i) The adequacy of utilities and municipal services;
The subject lands feature existing servicing connections through the subject lands, originating from both Blair Towers Place as well as Ogilvie Road.

Based on the available information from the City of Ottawa's GeoOttawa web platform, stormwater and sanitary services extend from Blair Towers Place onto the site, including onto the proposed severed lands, under the internal driveway through the site. The water servicing runs along the internal driveway and loops from Ogilvie Road to Blair Towers Place. If future redevelopment is pursued on the severed lands, the water connection will be required to be relocated as needed.

- j) The adequacy of school sites;
There is no development proposed through these applications, and the retained lands are currently used for office and commercial uses exclusively.
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
No lands are proposed to be dedicated for public uses.
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;

Any future development on the lands will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.

- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2);

No development is currently proposed through these applications. At the time of any potential future redevelopment, the necessary development applications will be submitted per the City of Ottawa's Site Plan Control By-law.

5.0 Conclusion

In our professional opinion, the Consent applications represent good planning as:

- / The applications are consistent with the relevant policies of the Provincial Policy Statement;
- / The applications conform to the policies and objectives of the Hub designation in the Official Plan;
- / The applications conform to the policies of the Inner East Line 1 and 3 Stations Secondary Plan;
- / The applications comply with the applicable zoning provisions of the City of Ottawa Comprehensive Zoning By-law; and,
- / The applications meet the criteria established in Section 51 of the Planning Act for consents.

The applications therefore uphold sound land use planning principles and are in the public interest.

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

Sincerely,



Evan Saunders
Planner



Paul Black, MCIP RPP
Associate, Planning / Managing Director