

January 4, 2024

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

RE: Application for Consent
1435 & 1455 Morisset Avenue, Ottawa

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2024-01-04
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

The owner (Firm Capital) of 1435 & 1455 Morisset Avenue, has retained Fotenn Consultants Inc. ('Fotenn') as Agent to submit a Consent to sever application to the Committee of Adjustment. The intent of the application is to sever the existing lot into two (2) separate lots.

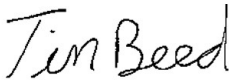
The new lots are intended to accommodate mid & low-rise apartment buildings; two existing on the retained lands, and one to be constructed in the future on the severed lands. The future low-rise apartment building has already received Zoning By-law and Site Plan Control Approval from the City of Ottawa

If provisional consent is granted, we are requesting two certificates be provided, one (1) for the retained lands and one (1) for the severed lands.

In addition to this cover letter, the following materials have been enclosed in support of this application:

- / Completed application form;
- / Parcel Abstract;
- / Site Plan;
- / Building elevations and floor plans;
- / Draft Reference Plan (R-Plan);
- / Cheque in the amount of \$3,316.00, made payable to the City of Ottawa.

Sincerely,



Tim Beed, MCIP RPP
Senior

Ottawa
396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
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1.0 Introduction

Fotenn Consultants Inc. (“Fotenn”) has been retained to prepare this Planning Letter in support of a Consent to Sever application for the property known municipally as 1435 & 1455 Morisset Avenue (the “subject property”) in the City of Ottawa.

The intent of this letter is to assess the proposed Consent to Sever application against the applicable policy and regulatory framework and to demonstrate how the proposal is appropriate for the subject property and compatible with surrounding land uses and existing infrastructure.

1.1 File History

In June 2022, Ottawa City Council approved a Zoning By-law Amendment pertaining to the proposed redevelopment of the subject property. The initial approvals referenced a three-storey, 31-unit, residential-use building with surface parking.

The Zoning By-law Amendment was crafted to address the specific details of the proposed building and provided relief for provisions relating to maximum building height, setbacks, and residential vehicle parking. The parking provisions addressed the future availability of parking after redevelopment understanding that no new parking spaces would be available with the constraints involved with the placement of the existing buildings on-site.

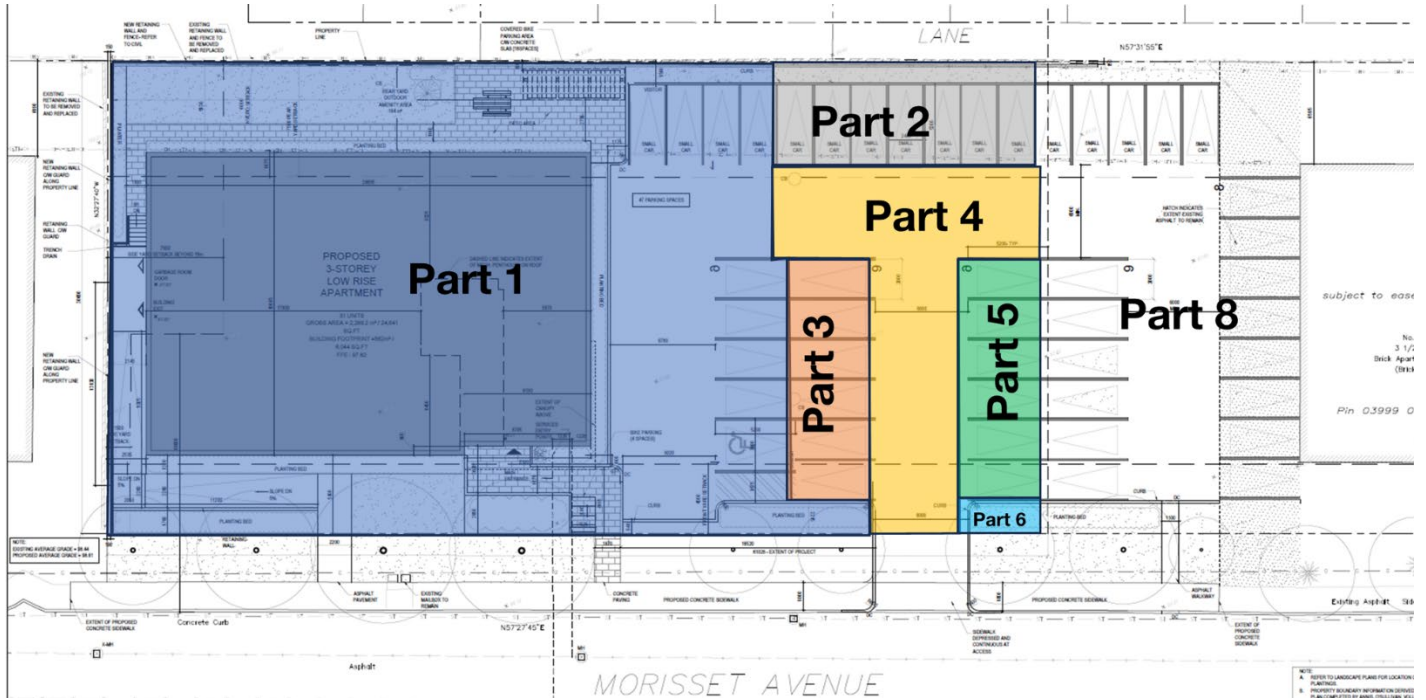
Site Plan Control Draft Approval was granted by the City of Ottawa on January 27th, 2023 with the existing parking spaces indicated.

1.2 Purpose of Applications

1.2.1 Consent Application

The Consent to Sever application seeks to subdivide the subject property into two (2) lots for financing purposes, each to accommodate mid & low-rise apartment buildings; two existing on the retained lands, and one to be constructed in the future on the severed lands. The future low-rise apartment building has already received Zoning By-law Amendment (By-law 2022-206) & Site Plan Control Approval (D07-12-21-0091) from the City of Ottawa.

As per the table and graphic below, the proposed severed area consists of Parts 1, 2, 3, 4, 5, & 6 cumulatively comprising a total land area of 1,864.4m² and 61.02m² metres of frontage along Morisset Avenue. In the severed lands, Part 4 will provide access through the severed lands for parking access on the retained lands. Part 2,3, & 5, with provide flexibility in parking allocation between the severed and retained lands. Part 6 is simply a separately distinguished portion of the severed lands due to the required location of Part 4, 5, and 8. Finally, Part 8 represents the lands to be retained, and contains the existing buildings, and remaining low and mid-rise apartment buildings.



	Severed	Retained
Parts of Reference Plan	Parts 1, 2,3,4,5, & 6	Part 8
Frontage	61.02	135.49
Lot Depth	30.68	39.62
Area m2	1,864.4	4,228

As noted, the retained portions of the lands (Part 8) consist of 4,228m2 of land and 147 metres of frontage will continue to operate as they have historically with two apartment buildings present.

2.0 Site Context and Surrounding Area

2.1 Subject Site

The subject property is known municipally as 1435 and 1455 Morisset Avenue, a mid-block lot located in the Carlington neighbourhood in the City of Ottawa (Ward 16 - River). The subject property is currently improved with two (2) low and medium-rise rental apartment buildings and 147 surface parking spaces. The entire subject property is an interior lot consisting of a total area 6,050 m² with 197 metres of frontage along Morisset Avenue and a lot depth of 31 metres. The portion of the subject property impacted by the proposed redevelopment is located on the segment of the lands to the west and is currently occupied by surface parking and landscaping features. The impacted portion of the subject property consists of a total area of 1,864.4m² with 61 metres of frontage.

The site is legally known as LOTS 230 TO 251 (BOTH INCLUSIVE), AND PART OF CAVAN STREET

(Closed by Judge's Order Inst. CR394977), AND PART OF LARKIN STREET, (Closed by Judge's Order Inst. CR394977), AND PART OF THE LANE, (Closed by Judge's Order Inst. CR404252), REGISTERED PLAN 327 CITY OF OTTAWA. 3



Figure 1 Area proposed to be severed.

2.2 Surrounding Area

The surrounding community is characterized by a mix of land uses, including residential, recreational, institutional, and commercial uses. The neighbourhood located in close proximity of the subject property consists of a wide-ranging building typology with the immediate area consisting of single-detached homes, townhomes, and low-rise and mid-rise apartment buildings with heights ranging between two (2) to seven (7) storeys. Considering the broader neighbourhood context, numerous high-rise residential buildings are also located within 250 metres of the subject property with building heights ranging from 11 to 14 storeys.



The subject property directly abuts a 4-storey residential building to the west, a 3.5 storey residential building to the east, and multiple 4-storey residential buildings to the south. The northern property line (rear) abuts low-rise single-detached residential buildings. In terms of topography, although the lot is relatively flat, there is a significant grade change between the subject property and abutting rear-yard neighbouring properties to the north, which assists with transition to those dwellings and lots.

Hydro Ottawa infrastructure also directly abuts the rear property line. The immediate neighbourhood is also well served by municipal parks, public and private schools, and nearby service commercial amenities.

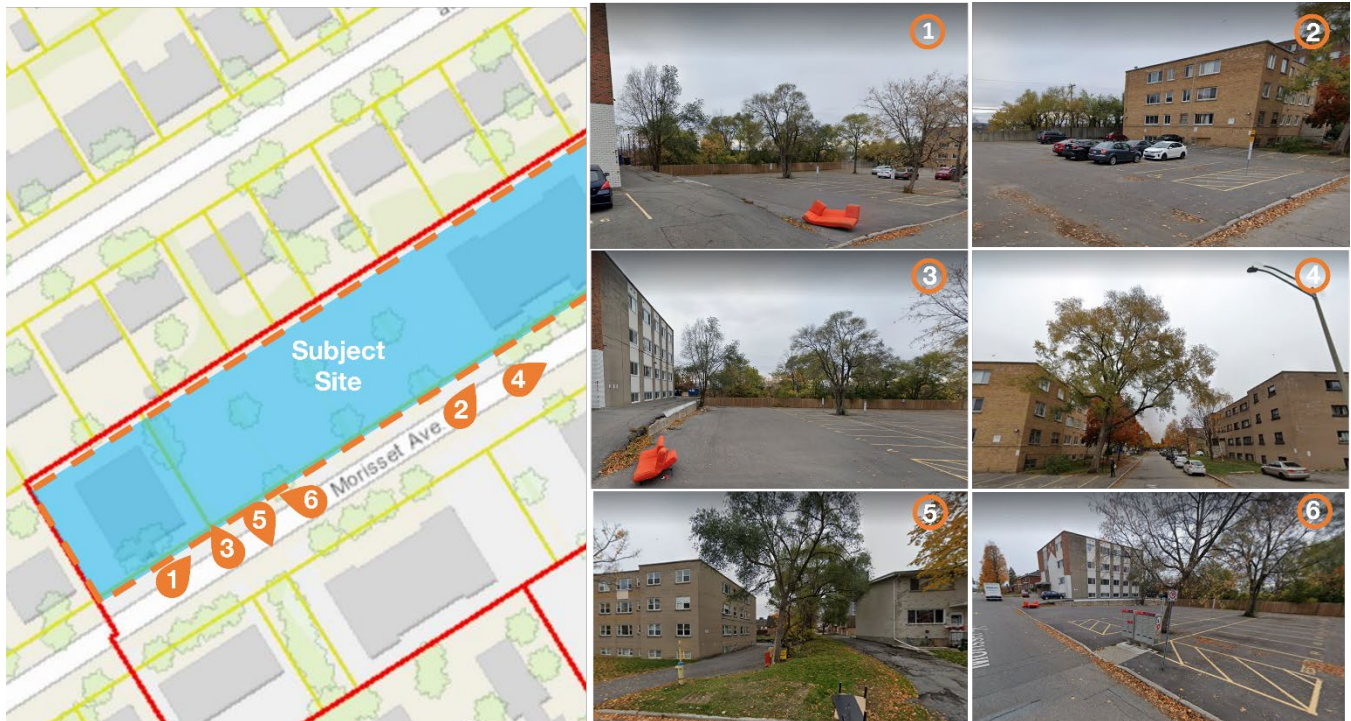


Figure 2 Existing street character and built-form.

3.0 Policy and Regulatory Framework

3.1 Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. As the proposal includes two (2) severed lots and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. The proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

a) The effect of development of the proposed subdivision on matters of provincial interest

The proposed Consent application is consistent with the policies of the Provincial Policy Statement (2020) by providing for development within a settlement area that will efficiently use the land, existing infrastructure, and public service facilities.

b) Whether the proposed subdivision is premature or in the public interest;

The proposed Consent allows for residential intensification within the urban area where municipal servicing is available. The application is therefore not premature and is in the public interest.

c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;

The proposed Consent conforms with the policies of the City of Ottawa Official Plan (2022) and is permitted in the Neighbourhood designation.

d) The suitability of the land for the purpose for which it is to be subdivided;

The Consent application proposes the severance of an existing lot to create one (1) new lot (in addition to the retained lot) for the purposes of future residential development.

- 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;**

The abutting road is publicly maintained and connects to the larger urban road network of the City of Ottawa.

- f) The dimensions and shapes of the proposed lots;**

The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area. The lots are also designed to accommodate low-rise and mid-rise apartment footprints on the property while respecting required setbacks in the R4UC subzone.

- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;**

The proposed building complies with the applicable performance standards under the R4UC Subzone.

3.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters be consistent with policy statements issued under the Act.

The PPS promotes the development of strong communities, which relies on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

The relevant policy interests to the subject application are as follows:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable, and safe communities are sustained by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
- / 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; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

1.1.3.1 Settlement areas shall be the focus of growth and development;

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- / efficiently use land and resources; and
- / 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.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment, where this can be accommodated.

1.4 Housing

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 of current and future residents of the regional market area by:

- / 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; and,
 - all types of residential intensification, including additional residential units;
- / 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.

1.6 Infrastructure and Public Service Facilities

1.6.6.1 Planning for sewage and water services shall:

- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. municipal sewage services and municipal water services; and
 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;
- d. integrate servicing and land use considerations at all stages of the planning process.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b. minimize, or, where possible, prevent increases in contaminant loads;
- c. minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d. mitigate risks to human health, safety, property and the environment;
- e. maximize the extent and function of vegetative and pervious surfaces; and
- f. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

The severance of the lands to create one (1) new parcel on full municipal services promotes the efficient use of land in accordance with housing and growth management policy direction. The consent will allow for the creation of lots capable of accommodating new low-rise residential apartment building, contributing to the overall mix of dwelling typologies in the neighbourhood and the City overall. The subject site is well suited for intensification being located close to transit and neighbourhood amenities. Overall, the proposed severance is consistent with the policy direction of the 2020 PPS.

3.3 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 subject site is located within the Inner Urban Transect and is designated as Neighbourhood as shown on Schedule B2 – Inner Urban Transect.

3.3.1 Inner Urban Transect

Policy 5.2.1.1 states that the Inner urban Transect's built form and site design includes both urban and suburban characteristics and that its intended pattern is urban.

Policy 5.2.4.1 states that Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, table 3b. The zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:

- a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not compiled in the Official Plan;
- b) The application of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;
- c) Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;
- d) Provide an emphasis on regulating the maximum built form envelope that frames the maximum built form envelope that frames the public right of way rather than unit count or lot configuration; and
- e) In appropriate locations, to support the production of missing middle housing, lower-density typologies may be prohibited.

3.3.2 Neighbourhood Designation

Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods.

Policy 6.3.1.2 states that Permitted building heights in Neighborhoods shall be Low-rise.

Policy 6.3.1.4 states that 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:

- a) Generally, a full range of low-rise housing options sufficient to meet or exceed the goals of Table 2 and 3b;
- b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Policy 6.3.2.1.

Policy 6.3.1.5 states that the Zoning By-law will distribute permitted densities in the Neighbourhood by:

- a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation form, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities;
- b) Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities; and
- c) Provide for a gradation and transition in permitted densities and mix of housing types between the areas described in a) and b).

Policy 6.3.2.1 states that The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15-minute neighbourhoods.

Policy 11.5.4 states that In support of Policy 5.2.4, 1 b) and c) the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.

The proposed severance will maintain the general form and dimensions of the established lot fabric in the area in a way that will support the redevelopment of the property with the previously approved low-rise apartment building. The proposed new lot, and future new development conforms to the Inner Urban Transect and Neighbourhood Designation policies of the Official Plan.

As directed by Policy 11.5.4 above, the proposed new lot will contribute to appropriate intensification in represented by ground oriented medium density residential that is consistent with the planned context.

3.4 City of Ottawa Zoning By-law (2008-250)

The subject property is currently zoned Residential Fourth Density, Subzone UC, Exception 2790, Schedule 459 (R4UC[2790] S459) in the City of Ottawa's Zoning By-law (2008-250) as per the recently approved zoning by-law amendment for the site. The purpose of the R4 zone is to allow a wide mix of residential building forms ranging from detached to low-rise apartment dwellings.

Further, the Residential Fourth Density zone is intended to enable a wider range of low-rise, multi-unit infill housing, while respecting compatibility and context sensitive design. Provisions of the R4 zone facilitate building form and typology that constitutes the "missing middle" range of affordable mid-density housing suitable to a wide range of household types, incomes and tenures, as directed by the Official Plan.

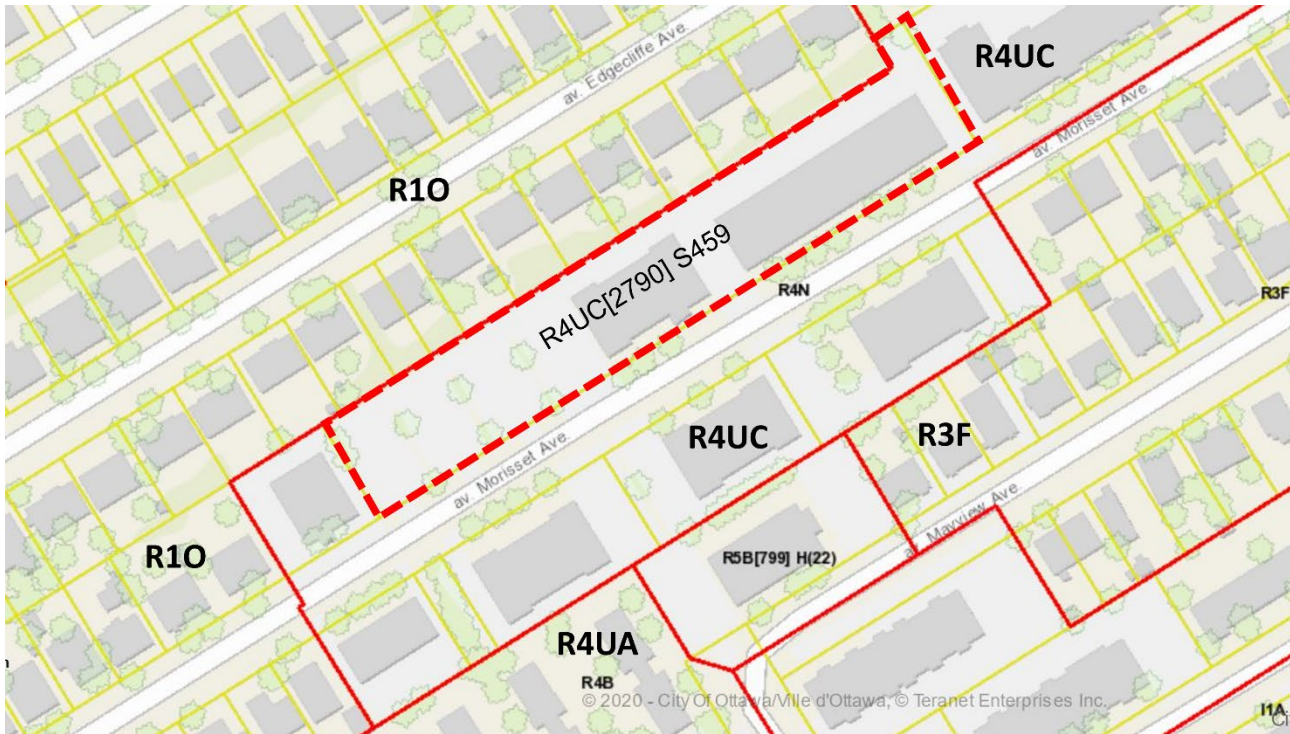


Figure 3: Zoning map of subject site (City of Ottawa Zoning By-law 2008-250)

As demonstrated below, the consent application proposal conforms to the relevant provisions of the Zoning By-law.

R4UC Zoning Provisions

The revised proposed development is compared to the R4UC[2790] S459 zone requirements in the table below:

Provision	Required	Severed	Compliance
Minimum lot area	1,400	1,864.4	✓
Minimum lot width	38 metres	61 metres (impacted portion of property)	✓
Minimum front yard setback	4.5 metres or Section 144.1: / In the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s). / Despite the foregoing, the minimum front and/or corner side yard setback need not	4.5 metres	✓

	exceed the minimum required in the Residential subzone in which the lot is located.		
Minimum interior side yard setback	/ Exception 2970: 2.5m	2.5m	✓
Minimum Rear Yard Setback	/ Exception 2970: 5.9m	5.9 metres	✓
Minimum Amenity Area	/ 6 m ² /unit with minimum of 50% communal / Total = 6 * 31 = 186 m ² / Communal = 93 m ²	/ Total = 187 m ² in the rear yard amenity / Communal = 187 m ²	✓ ✓
Minimum Landscaped Area Total	/ Exception 2970: 20% of total lot area	/ 20% of lot area	✓
Rear Yard Landscaping	/ Any part of the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, patios, and permitted driveways, parking aisles and parking spaces, must be softly landscaped. / At least 50 per cent of the rear yard must be landscaped and; / in all cases, must comprise at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting.	- Soft landscaping is applied to applicable areas. - 60% of rear yard is landscaped. - One aggregated rectangular area of at least 25 square metres is provided.	✓ ✓ ✓
Other Landscape Requirements	/ Any part of any yard other than the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of	- Appropriate soft landscaping is applied.	✓

	travel for waste and recycling management, pedestrian walkways, permitted driveways and parking exclusion fixtures per (e) must be softly landscaped.		
Min Front Yard Landscaped Area	/ When front yard setback is greater than 3 metres 40 per cent of the yard must be landscaped in the case of any lot with a width of 12 metres or more.	- >50% of front yard is landscaped.	✓
Minimum Aggregated Soft Landscaped Area (% of the Front / Corner Side Yard Area)	/ Minimum 40% soft landscaped area.	- 47% of front yard is landscaped.	✓
Parking Location	/ up to five (5) previously existing parking spaces may be within the front yard but not between the building front wall and the right of way.	- Five (5) previously existing parking spaces are included within the front yard but not between the building front wall and the R.O.W.	✓

Parking Provisions

The subject property is within Area Y on Schedule 1A of the Zoning By-law and subject to the parking provisions as outlined below.

Provision	Required	Provided	Compliance
Min. Residential Vehicle Parking (Area Y)	Low-rise Apartment: / Exception 2790: Minimum Parking: 65 residential parking spaces and 12 visitor parking spaces	- Minimum Parking: 65 residential parking spaces and 12 visitor parking spaces	✓
Min. Visitor Parking	Low-rise Apartment: - Exception 2790: Minimum Parking: 65 residential parking spaces and 12 visitor parking spaces	- Minimum Parking: 65 residential parking spaces and 12 visitor parking spaces	✓
Parking lot landscaping	/ Exception 2790: 13.5%	/ 13.5%	✓

Parking Lot Landscape Buffer	/ Abutting a street: 0.94 metres / All other areas: 1.5 metres	/ 0.94 metres / 1.5 metres	✓ ✓

The proposed lot severance conforms to the applicable performance standards of the Zoning By-law.

Table 5 below outlines how the proposed development generally meets the intent of the Planned Unit Development (PUD) provisions:

Table 5: Planned Unit Development Provisions

Provisions	Requirement	Provided	Compliance
Min. width of private way	6m	6m	✓
Min. setback for any wall of a residential use to a private way	1.8m	>1.8 metres	✓
Min. setback of a garage entrance from private way	5.2m	N/A	✓
Min. separation between buildings within a Planned Unit Development	For buildings equal to or less than 14.5m: 1.2m	/ >1.2 metres	✓
Parking	Parking within a planned unit development may be located anywhere within the development, whether or not the development parcels within the planned unit development are severed		✓
Landscaping	<p>In no case may any dwelling unit or oversize dwelling unit located within a Planned Unit Development that has its own driveway leading to its associated parking space, garage or carport have a driveway that is wider than the associated parking space, garage, or carport. Furthermore, the remaining area between the dwelling unit or oversize dwelling unit and the private way must be landscaped with soft landscaping, and a walkway extending from the private way back to the principal entranceway is prohibited. A path, that is mostly parallel to the street, that provides pedestrian access from the driveway to the principal entranceway of no more than 1.2 m is permitted. (By-law 2020-289)</p> <p>(c) Despite (a) and (b), where a development parcel containing a dwelling unit or oversize dwelling unit, located within a Planned Unit Development in an R1, R2, R3 or R4 Zone within Schedule 342 has frontage on a public street, whether severed or not, the area</p>		✓

	between the dwelling unit or oversize dwelling unit and the street lot line is subject to the requirements of Sections 139 and 140.	
Other	<ul style="list-style-type: none"> - the entire planned unit development complies with all applicable Sections of the By-law, the provisions set out in this Section and Table 131, however, development parcels within the planned unit development, whether severed or not, that have vehicular access off of the private way only, need not comply with the dwelling type specific provisions indicated in Part 6 other than maximum permitted building height. 	✓

For a Planner Unit Development (PUD), the applicable by-law provisions are as per the dwelling type, in this case a low-rise apartment building along with the PUD provisions. As listed in Table 5 above, a Planned Unit Development is permitted within the R4UC Zone and the by-law includes provisions for a low-rise apartment building within a Planned Unit Development.

As noted in the zoning tables above, the proposed development do not require any amendment to the existing zoning. City Staff have confirmed that even after severance, the site will be evaluated for zoning conformance as a Planned Unit Development including parking provisions for the entire site.

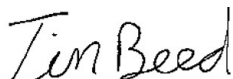
4.0 Conclusion

Further, it is our professional opinion that a Consent to Sever application is appropriate for the subject property. The proposal to create two (2) total lots from an existing parcel satisfies the Planning Act criteria for a Consent and conforms with the policies of the Provincial Policy Statement and the City of Ottawa Official Plan.

This report recognizes the following:

- / The proposal conforms to the direction of the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the “Neighbourhood” Official Plan designation;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and

Sincerely,



Tim Beed, MCIP RPP
Senior Planner
