

# //LANDSCOPE LTD.

Land Development & Real Estate Consulting

January 26, 2024

City of Ottawa  
Committee of Adjustment (the “Committee”)  
101 Centrepointe Drive  
Ottawa, ON K2G 5K7

Committee of Adjustment  
Received | Reçu le

2024-02-09

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

Attention: Mr. Michel Bellemare, Secretary-Treasurer

Dear Mr. Bellemare:

**Re: 1983 Carling Avenue, Ottawa, ON  
Resubmission of Applications for Consent and Minor Variance**

Landscape Ltd. (“Landscape”) was retained by 2473493 Ontario Inc., the registered owner of the above-noted property (the “Owner”) to prepare this Planning Rationale (the “Planning Rationale”) in support of concurrent applications for Consent and Minor Variance (the “Consent and MV Application”) related to the redevelopment of a portion of the lot located on the north side of Carling Avenue (Ward 7) of the City of Ottawa (the “City”), as depicted in [Exhibit A](#), municipally known as 1983 Carling Avenue, (the “Subject Property”).



**Exhibit A:** Air Photo of Subject Property, outlined in yellow (source: Purview)

The Owner proposes to develop the existing granular parking field located at the extreme westerly portion of Subject Property with a 3½ storey (with basement) low-rise apartment dwelling building (the “**Proposed Development**”).

As such, the following development applications are required:

- Site Plan Control Application – D07-12-21-0145 filed and currently being processed by the City of Ottawa.
- Consent Applications – This submission, to create the development parcel, to reorientate the existing right-of-way and to formally create the retained parcel
- Minor Variance Application – This submission, to address two zoning compliances issues on the severed parcel, being requests to:
  - Increase the maximum building height from 11.0m to 11.998m within 20m of the residentially zoned lands to the north.
  - Reduce the amount of glazing along the Bromley Avenue façade to 32% of the surface area of the ground floor façade whereas the Zoning By-law of the City of Ottawa requires that 50% of the ground floor façade to consist of glazing.
- Building Permit Application – To be filed at the appropriate time.

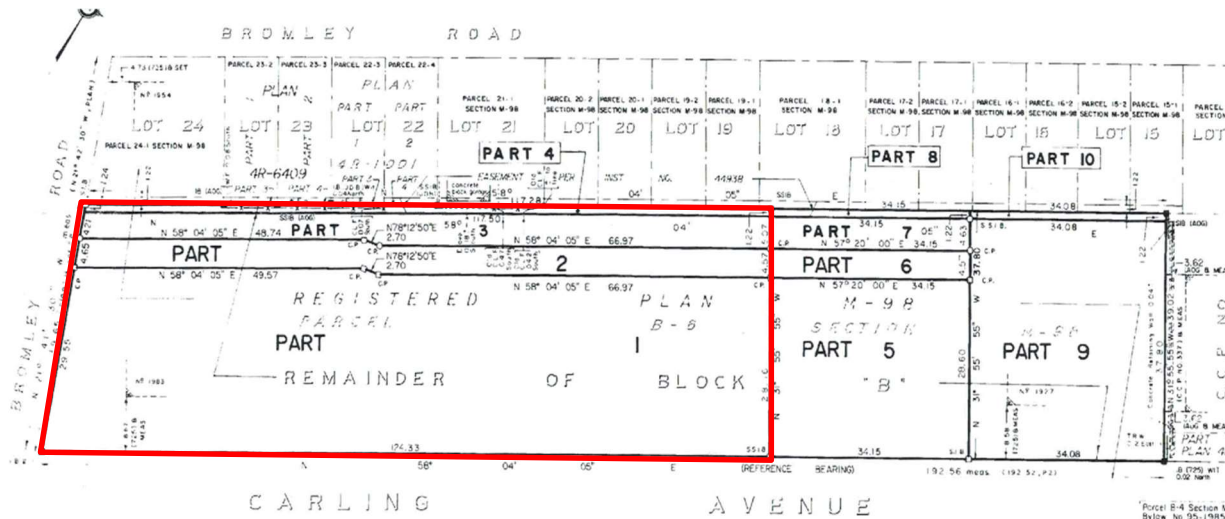
Please find attached the following submission materials in support of the above noted application:

- One (1) copy of this Planning Rationale, explaining the nature and assessment of the applications for Consent and Minor Variance;
- One (1) copy of the completed Minor Variance Application for each of:
  - The severance of Parts 2, 3, 5-12 from Parts 4, 13-17
  - The severance of Parts 4, 13-17 from Parts 2, 3, 5-12.
- One (1) full-sized copy and one (1) reduced copy of the following plans;
  - Draft Reference Plan of Survey;
  - Site Plan, A105, dated June 26, 2023;
  - Building Elevations and Roof Plan, all dated June 26, 2023;
  - Building Perspective Drawings, undated;
- Parcel Abstract;

- Re-circulation fee of \$981.00 by cheque made payable to the City of Ottawa (the Application fee was submitted in 2023 in the amount of \$6,536.00)

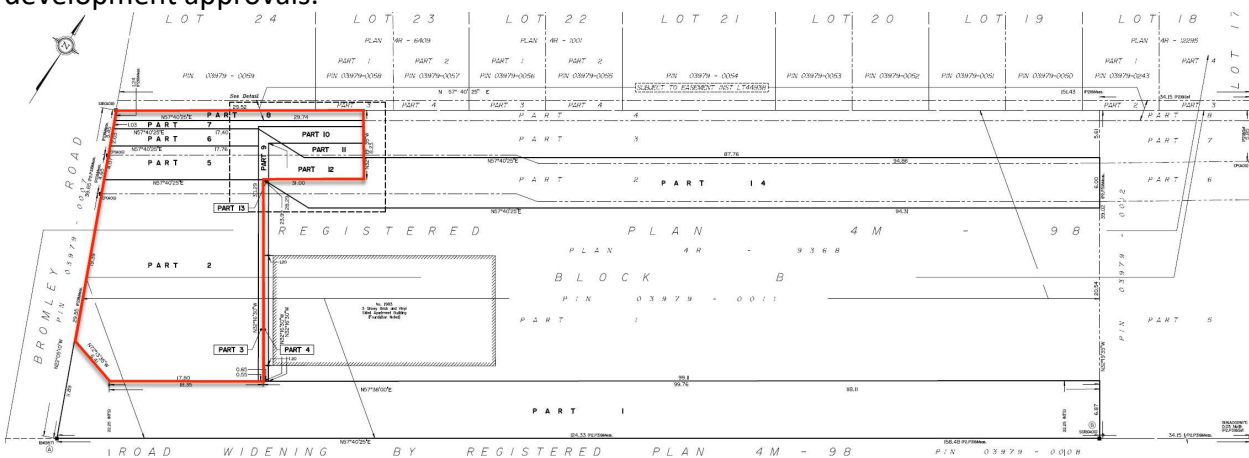
**Background**

The Subject Property is described as: PCL B-6, SEC 4M-98; PT BLK B, PL 4M-981, PART 1, 2, 3 & 4 on Plan 4R9368 ; S/T LT44938 OTTAWA, PIN: 03979-0011. Please refer to [Exhibit B](#).

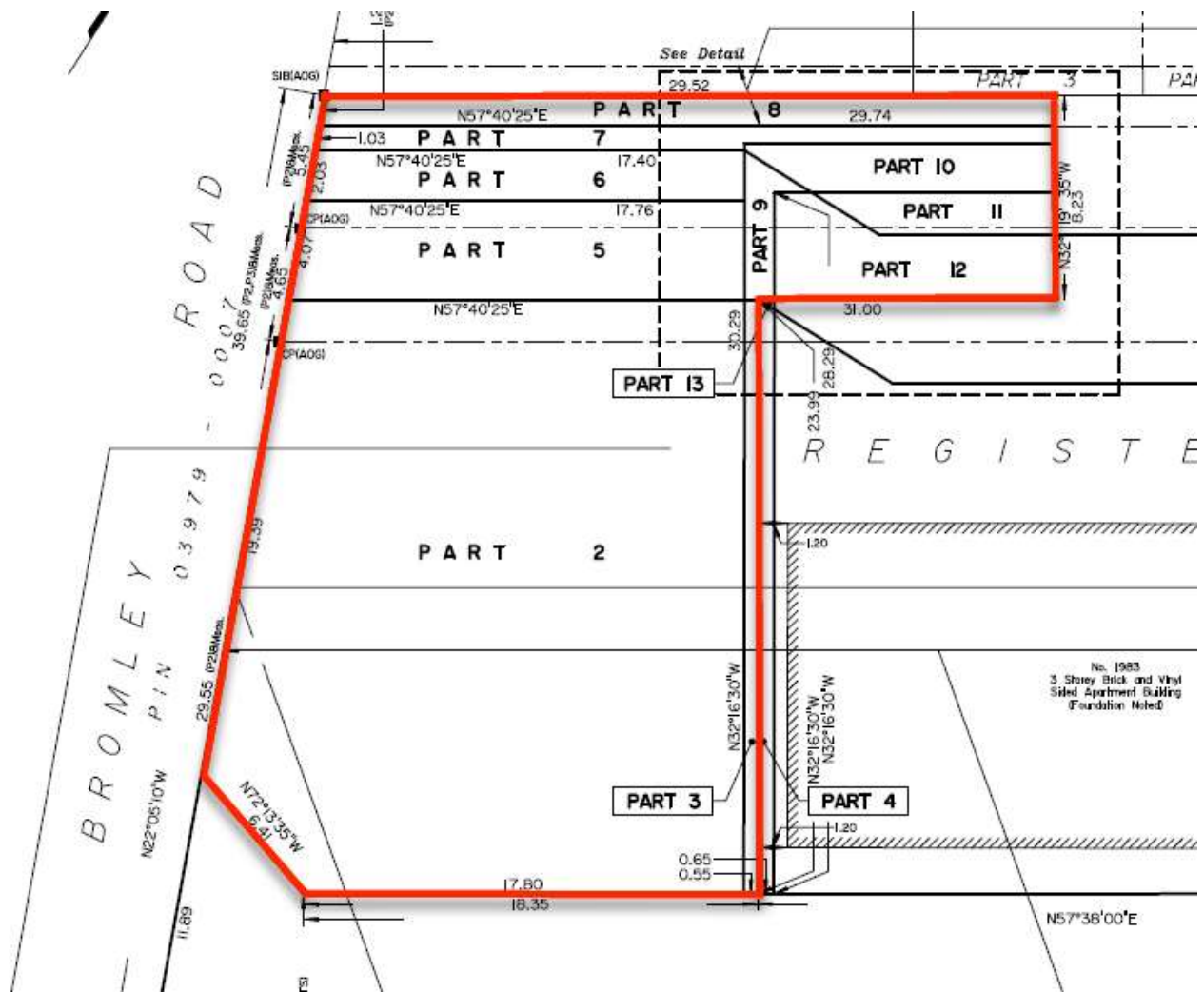


**Exhibit B:** Excerpt from Plan 4R-9368 with the Subject Property outlined in red

The portion of the Subject Property that is being severed and developed (the “**Development Parcel**”) will consist of Parts 2, 3 and Parts 5 to 12 on the draft reference plan as shown in [Exhibit C](#) and [Exhibit D](#), below. It is essentially a rectangular shape with a stem that extends east along the northerly portion to accommodate the required parking spaces to support the proposed additional residential building. You will note that the required road widening and subsequent daylight triangle are shown as Part 1 and will be conveyed to the City of Ottawa as a condition of development approvals.



**Exhibit C:** Excerpt from Draft R-Plan with Development Parcel outlined in red



**Exhibit D:** Magnified excerpt from Draft R-Plan with Development Parcel outlined in red

**Description of Subject Property**

The Subject Property is rectangular in shape with a total area of approximately 4,713 m<sup>2</sup> and legal frontage of approximately 124 m along the north side of Carling Avenue. As a corner lot, it also enjoys approximately 40 m of frontage along the east side of Bromley Road. Perimeter vegetation exists along the north lot line and along most of the frontage along Carling Avenue. The site is quite flat. A mature Bur Oak tree exists near the southwest corner of the Subject Property, in a location near the front of the Proposed Development. A single vehicular access exists from Bromley Road near the north edge of the Subject Property that serves an east-west driveway, lane and perpendicular parking along most of the northerly lot line. The Subject Property currently includes 3 low-rise apartment buildings: 1951, 1967 and 1983 Carling Avenue, with a total of 35 units with 32 parking spaces.





**Exhibit E:** Photograph of the Development Parcel from Bromley Road

The Subject Property is currently served by municipal water and sanitary service, with storm sewers providing the drainage outlet.

### **Site Context**

The Subject Property is located along a significant urban arterial roadway that currently contains a mix of both residential and non-residential uses, low-rise to high-rise structures in the immediate area. Immediately to the north is a mature low-rise residential neighbourhood, developed circa 1950s with 2-storey structures. The rear yards abut the north common property line with the Development Parcel. Most rear yards are the amenity area for those dwellings. The closest existing dwelling has a rear yard (separation) distance of approximately 14.5m, and most properties along the common lot line are similar in setback distance.

Immediately to the east of the Subject Property, another six (6) low-rise apartment buildings extend east to the commercial strip plaza at the northwest corner of Carling Avenue and Sherbourne Avenue.

Immediately to the west of the Subject Property, is a 2 ½ storey residential building that is the subject of an ongoing application for Zoning Bylaw Amendment to amend the site-specific zoning of the property (referred to as 1995 Carling Avenue) from AM10 to XXXX, along with a concurrent application for Site Plan Control that would allow a high-rise apartment dwelling (building) of 27 storeys. These applications were filed in April 2020 and continue to be processed by the City's Planning Department.

Further to the west along the north side of Carling Avenue, a 25-storey high-rise apartment building and a 7-storey mid-rise apartment building exist along with a two-building residential (12 storey) high-rise complex up to Iroquois Road.

Across Carling Avenue, along the entire south side, single detached dwellings exist with the Glabar Park neighbourhood, circa 1950s. An application for Site Plan Control for a 7-storey mid-rise apartment dwelling building is being proposed at 1940 Carling Avenue, across the street from the Subject Property.

Please refer to [Exhibit F](#).



**Exhibit F:** Local Context Map

There is OC Tranpo service in both directions along Carling Avenue with the most frequent service immediately adjacent to the Subject Property. The roadway is a 6-lane arterial divided with very limited private approaches. Bromley Road is a local street and in fact is dead ended at the north



property limit of the Subject Property, thus it only serves the Subject Property and the property to the west along Bromley Road.

### **Description of Proposed Development**

The Proposed Development includes a 3 ½ storey building with 21 dwelling units on four levels. Level 1 is the basement that contains 4 residential units along with a mechanical room, bicycle storage and a refuse handling room. Level 2 is the first floor at/above grade and contains 5 residential units along with the entry and corridor/stairs. Level 3 and 4 are identical floor plans with each containing 6 residential units. The units range in size from 464 m<sup>2</sup> to 803 m<sup>2</sup> for a variety of 1-bedroom and 2-bedroom units.

The rooftop contains a 130 m<sup>2</sup> outdoor terrace that will be buffered from the adjacent buildings and neighbourhood to the north by a generous setback from the building edge and decorative privacy fencing along the perimeter of the terrace. No private balconies are provided to minimize negative impacts onto the abutting properties.

The proposed building height is 11.998 m from average grade with the Subject Property sloping very slightly from south (front) to north (rear).

Parking is provided on grade at the rear of the severed parcel. The By-law requires 5 spaces for the residences and 1 for visitor parking for a total of 6 spaces. This parking is shown on the Site Plan to be within the severed parcel with convenient access from Bromley Road along the northern portion of the property.

Please refer to an excerpt from the Site Plan in [Exhibit G](#) and a rendering of the Proposed Development in [Exhibit H](#).





## **Evaluation of the Consent Applications**

It is our view that since the Subject Property is located along and has legal frontage on an existing public roadway (in fact two public roads) and all required municipal services exist, there is no reason to subdivide the property through an application for plan of subdivision. The Consent procedure through the City's Committee of Adjustment is the appropriate method to create one new lot from an existing lot and the required easement for servicing and right-of-way for access to the retained lands, hence the submission of the application for consent to sever.

## **Evaluation of the Minor Variance**

It is our opinion that the required minor variance for both proposed lots are minor and desirable in nature, while also conforming to the general intent and purpose of the Zoning Bylaw and the recently approved City of Ottawa Official Plan (the "OP"). The objective of these four tests is to determine if the variances are warranted. A central theme in the four tests is whether the proposal is *compatible* with the surrounding area. It is critical to note that being "compatible with" is not the same as being "the same as". Rather, being "compatible with" means being capable of coexisting in harmony with the uses in the surrounding area.

The following is our detailed examination of the four tests as set out in Section 45(1) of the *Planning Act*.

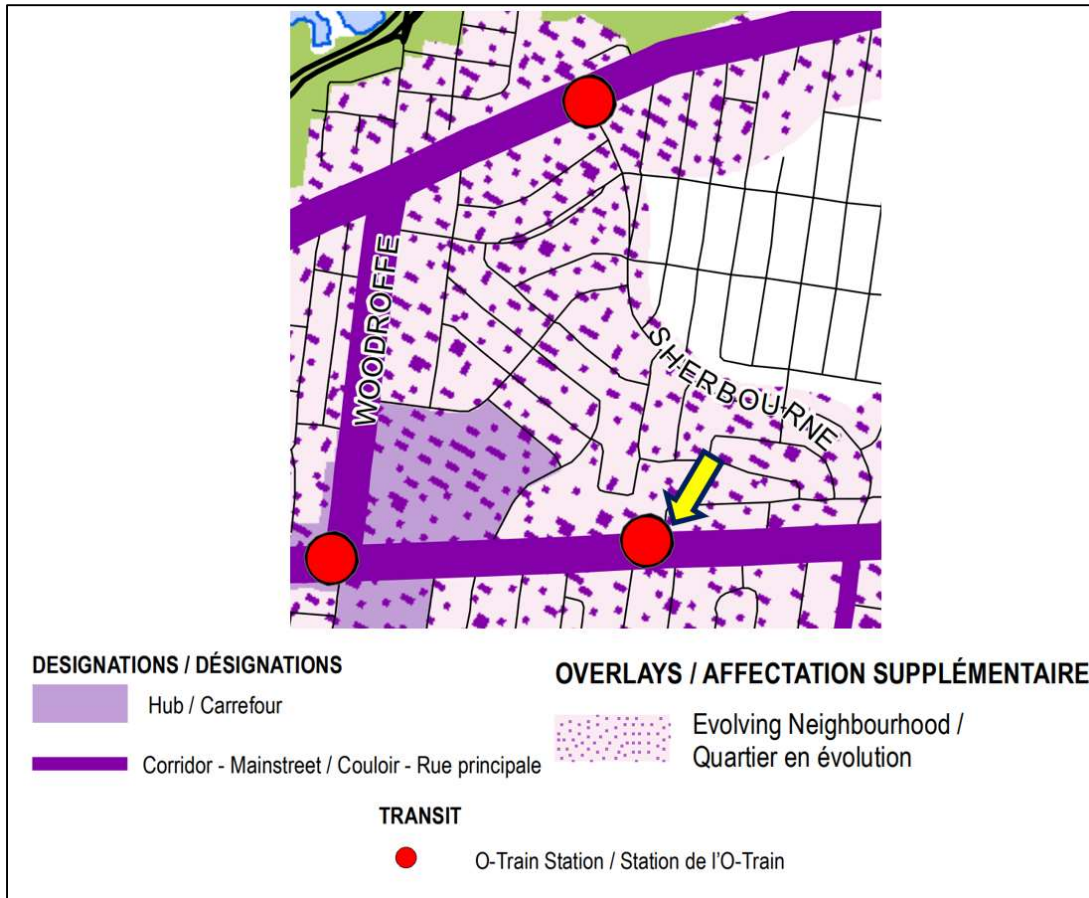
### **1. General Intent and Purpose of OP**

The OP provides a policy framework to guide the city's development to the year 2046. It provides a vision for the future growth of the City of Ottawa and it specifically addresses matters of provincial interest as defined by the *Planning Act* and the PPS.

As depicted in [Exhibit I](#), the Subject Property is within the Inner Urban Transect. A detailed explanation of the relevant policies of this designation is included below, but in general terms, the intended land use is permitted in this designation.

The lands along both the north and south sides of the Carling Avenue corridor are designated as Corridor – Mainstreet. The areas around the Subject Property on both sides of Carling Avenue are within the Evolving Neighbourhood overlay. The relevant policies are discussed below.

The OP designation contemplates building heights far in excess of what is being proposed for the Subject Property.



**Exhibit I:** Excerpt from Official Plan (Schedule B2 to the OP); Subject Property marked by a yellow arrow

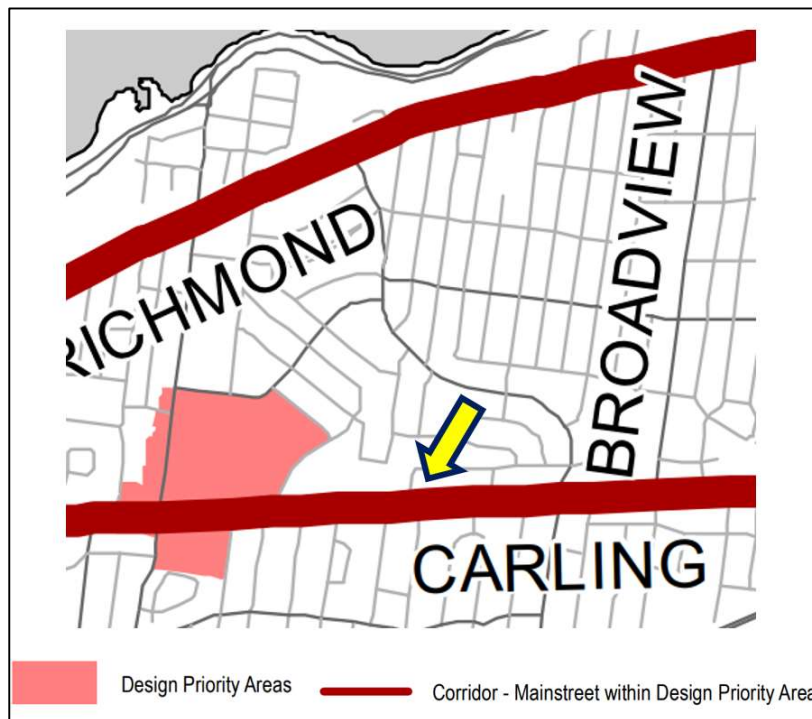
The Subject Property is also located schematically at a Future O-Train Station as illustrated on Schedule C – Protected Major Transit Station Areas. The relevant policies are discussed below.

Carling Avenue is classified as an Arterial – Existing on Schedule C4 – Urban Road Network and as a Corridor – Mainstreet with Design Priority Area on Schedule C7–A Design Priority Areas, with the relevant policies addressed below.

Carling Avenue is required to protect for a total road allowance width of 44.5m as per Table 1 in Schedule C16 – Road Classification and Right-of-Way Protection plan. A corner triangle between 3 m – 10 m will be required by the City of Ottawa as a condition of approval, after the road widening is removed, as per 2.0 Right-of-Way Protection Requirements, subsection 1 e). This future conveyance is illustrated on the draft Reference Plan.



**Exhibit J:** Excerpt from Official Plan (Schedule C4 to the OP); Subject Property marked by a yellow arrow



**Exhibit K:** Excerpt from Official Plan (Schedule C7-A to the OP); Subject Property marked by a yellow arrow



In terms of the relevant policies of the Plan, Section 1.2 states that for the life of the Plan, the OP contains;

The City's goals, objectives and policies to guide growth and manage physical change to 2046. It also implements the priorities identified in the City's Strategic Plan as they relate to land use. Land use direction is both driven by, and has an impact on, Ottawa's health, economy, environment and sense of community.

Under Section 2.1 – Strategic Direction, the proposed redevelopment of a vacant portion of the Subject Property would address the goals, objectives, and policies of the plan by providing for intensification in the urban area, as preferred in the Big Policy Move 1 as stated as follows;

Big Policy Move 1: Achieve, by the end of the planning period, more growth by intensification than by greenfield development.

And,

This balanced approach to growth management is intended to mitigate the effects of growth on land consumption, avoid spaces of agricultural or ecological importance, efficiently use public services and moderate the impacts to municipal financial resources to service growth.

In section 2.2.1 – Intensification and Diversity of Housing Options, the following policy is indicative and supportive of the proposed introduction of an additional low-rise apartment dwelling (building) for the Subject Property as one of the suggested methods in this section of the Plan to address the focus of intensification/additional dwelling units within the built-up areas of the City of Ottawa;

Definition Intensification: The development of a property, site or area at a higher density than currently exists through:

- (a) The creation of new units, uses or lots on land on previously developed land in existing communities, including the reuse of brownfield sites;
- (b) The development of vacant and/or underutilized lots within previously developed areas;
- (c) Infill development;

And,

Policy Intent: i) Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods The growth management strategy includes a 60 per cent intensification target by 2046. This means that by 2046, 60 per cent of all new dwelling units will be built in existing neighbourhoods as opposed to undeveloped

greenfield lands. This Plan envisions directing residential intensification towards Hubs, Corridors and surrounding Neighbourhoods where daily and weekly needs can be accessed within a short walk. This direction will support an evolution of these areas towards becoming 15-minute neighbourhoods.

Carling Avenue is designated as a Corridor, thus the proposal to redevelop a portion of the Subject Property for the intended residential dwelling use is consistent with this policy in the OP.

In Section 2.2.3 Energy and Climate Change, the following policy is relevant as the design of the Proposed Development takes into account the impact of the changes to climate that have a negative effect;

2) Apply sustainable and resilient site and building design as part of development. Buildings are the largest energy consumer in Ottawa and account for the largest share of greenhouse gas emissions. Site design also influences healthy communities and sustainable transportation choices. To achieve both climate mitigation and adaptation objectives, sustainable and resilient design measures will be applied as part of site planning and exterior building design, in order to:

- Conserve energy and improve the energy and emission performance of buildings with a target of net zero emission homes by 2030;

Further discussion on this is contained in the section of this rationale determining desirability of the requested minor variance.

In Section 3: Growth Management Framework, the following policy is helpful in justifying the introduction of the additional lot on the Subject Property within the urban area;

Most growth will occur within the urban area of the City, with a majority of residential growth to be within the built-up area through intensification, increasing over time during the planning horizon

And;

3.2 Support Intensification. This Plan allocates 47 per cent of city-wide dwelling growth to the built-up portion of the urban area and 46 per cent of city-wide dwelling growth to the greenfield portion of the urban area. Growth within the built-up portion of the urban area represents 51 per cent of urban area growth from 2018 to 2046. Intensification will support 15-minute neighbourhoods by being directed to Hubs and Corridors, where the majority of services and amenities are located, as well as the portions of Neighbourhoods within a short walk to those Hubs and Corridors.

There are a number of supporting policies within Section 3.2 of the Plan, and the proposed introduction of the proposed 21-unit rental apartment building at 3½ storeys fits within these

policies as the Subject Property is located along a Corridor within the urban area of the City of Ottawa.

The policies with respect to achieving 15-minute neighbourhoods are relevant as the Subject Property is located along a Corridor as noted below in Section 4.1.2 of the Plan with commercial services located both east and west of the Subject Property along Carling Avenue;

4.1.2 Promote healthy 15-minute neighbourhoods 1) In general, this Plan equates a walking time of: a) 5 minutes to be equivalent to a radius of 300 metres, or 400 metres on the pedestrian network; b) 10 minutes to be equivalent to a radius of 600 metres, or 800 metres on the pedestrian network; and c) 15 minutes to be equivalent to a radius of 900 metres or 1,200 metres on the pedestrian network.

Under the policies in Section 4.6 Design, policy 4.6.6 is relevant and is as follows;

6) Low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

The design of the proposed building recognizes the existing built form along Carling Avenue (east of the site).

Section 5 – Design Priority Areas includes the Mainstreet Corridors outside of the downtown core, with the following objective under Tier 3 - Local (Major);

Tier 3 areas define the image of the city at the local level. Characterized by neighbourhood commercial streets and village mainstreets, these areas provide a high-quality pedestrian environment. The areas within Hubs around existing rapid transit stations are locations for higher densities and intensification.

The Subject Property is located at a rapid transit station as illustrated in Exhibit G such that it requires, and through the intended design, addresses the policies with respect to the Design Priority Areas.

Section 4.6.1 Promote Design Excellence in Design Priority Areas

The policies of this section require consideration by the Urban Design Review Panel, an advisory committee that considers significantly sized development projects within areas so designated. The project is proceeding through this requirement with comments by the Committee intended to be considered by the proponent.



Section 5 of the Plan includes specific policies for each of the Transect designations. The Subject Property is within the Inner Urban Transect, dealing with such elements as front yard, landscaping, entrances, building height and location of parking fields.

The proposed site design and building design consider and implement these directions.

Table 7 of Section 5 identifies the differences between urban and the suburban built form (building heights) for various Transects. The Subject Property is within the Inner Urban Transect, and the proposed structure respects the requirements of both Tables.

Specific to the Inner Urban Transect, the following policy found in Section 5.2.3 is important;

Along Mainstreets, permitted building heights are as follows, subject to appropriate height transitions, stepbacks, and angular planes:

- a) On sites that front on segments of streets whose right-of-way (after widening requirements have been exercised) is 30 metres or greater as identified in Schedule C16 for the planned street context, and where the parcel is of sufficient size to allow for a transition in built form massing, not less than 2 storeys and up to High-rise;
- b) On sites that front on segments of streets whose right-of-way is narrower than 30 metres, generally up to 9 storeys except where a secondary plan or area-specific policy specifies different heights; and
- c) In all cases: i) The wall heights directly adjacent to a street, and the heights of the podiums of High-rise buildings, where permitted, shall be proportionate to the width of the abutting right of way, and consistent with the objectives in the urban design section on Mid-rise and High-rise built form in Subsection 4.6.6, Policies 7), 8) and 9); and ii) The height of such buildings may be limited further on lots too small to accommodate an appropriate height transition.

The proposed building falls well below the upper thresholds noted in this policy. The fact that the required 11.0m maximum building height within 20m of the north property line is only being exceeded for a relatively small amount would not conflict with the OP policies and in our opinion still maintain the intent and purpose of the OP policy as the overall building height is far lower than what would be permitted/encouraged in the Plan.

In our opinion, the proposed redevelopment of the Subject Property achieves and addresses all of these policies due to its location along the major corridor (Carling Avenue).

Section 6. Urban Designations, includes the following descriptive policy for Corridors in Subsection 6.2;

The Corridor designation applies to bands of land along specified streets whose planned function combines a higher density of development, a greater degree of mixed uses and a higher level of street transit service than abutting Neighbourhoods, but lower density

than nearby Hubs. The Corridor designation includes two sub-designations, Mainstreet Corridors (also referred to as Mainstreets) and Minor Corridors.

And in Subsection 6.2.1 Define the Corridors and set the stage for their function and change over the life of this Plan;

- 1) Corridors are shown as linear features in the B-series of schedules.

The Corridor designation is meant to apply to any lot abutting the Corridor, such that the Subject Property is positively affected.

And;

- 2) Development within the Corridor designation shall establish buildings that locate the maximum permitted building heights and highest densities close to the Corridor, subject to building setbacks where appropriate. Further, development:
  - a) Shall ensure appropriate transitions in height, use of land, site design and development character through the site, to where the Corridor designation meets abutting designations;

This statement is meant to encourage height transitions from higher to lower where applicable as the building approaches the neighbourhood to the north. The Proposed Development has maintained a modest 3 storey building height throughout, well below the maximum permitted building height of 20.0m which could add significant bulk and mass on the south side of the low-rise residential dwellings to the north, thus creating potential negative impacts. The fact that the very small intrusion above the permitted 11.0m building height (within 20m from the common lot line) does not add any harsher impact as shadowing from a potential building height of 20m, as permitted under the current zoning, would in our opinion, create more impact.

And in Section 6.2.1 4);

- 4) Unless otherwise indicated in an approved secondary plan, the following applies to development of lands with frontage on both a Corridor and a parallel street or side street:
  - a) Development shall address the Corridor as directed by the general policies governing Mainstreet Corridors Minor Corridors, particularly where large parcels or consolidations of multiple smaller parcels are to be redeveloped; and
  - b) Vehicular access shall generally be provided from the parallel street or side street.

Policy b) above is relevant and respected through the site design for the proposed redevelopment.

Finally, Section 11.5 of the Plan provides guidance to any action taken by the Committee of Adjustment related to Consents and Minor Variances. These policies are being respected through these development applications.

In summary, it is our opinion that the proposed consent subdividing the parcel into two resulting lots, and the construction of a 3-storey low-rise dwelling (apartment building) would maintain the general intent and purpose of the City of Ottawa's Official Plan.

## **2. General Intent and Purpose of the Zoning By-law**

As depicted in [Exhibit L](#), the Subject Property is zoned AM10 H(20) which is an Arterial Mainstreet Subzone with certain performance standards.

The following describes the intent of this zoning;

The purpose of the AM – Arterial Mainstreet Zone is to:

1. accommodate a broad range of uses including retail, service commercial, offices, residential and institutional uses in mixed-use buildings or side by side in separate buildings in areas designated Arterial Mainstreet in the Official Plan; and
2. impose development standards that will promote intensification while ensuring that they are compatible with the surrounding uses.

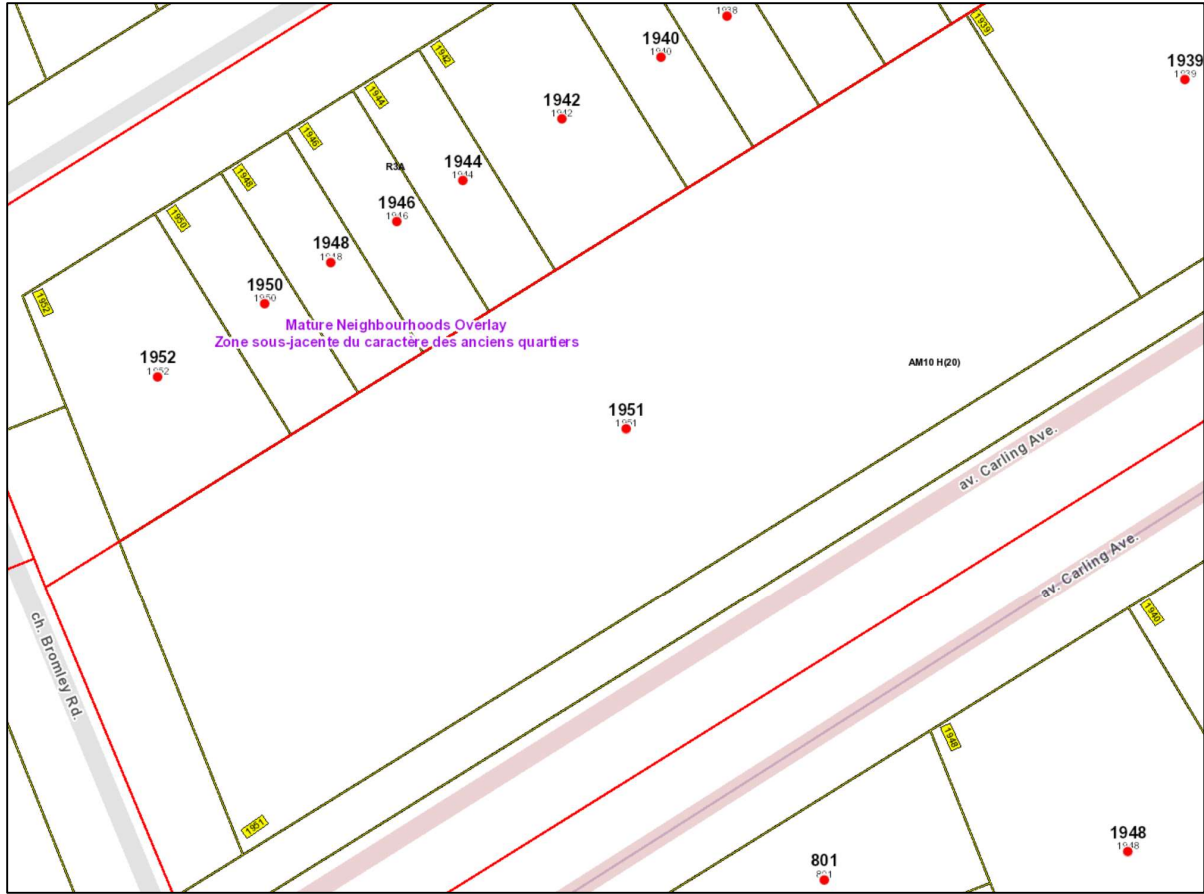
Subzone 10 imposes specific performance standards for the Subject Property and all properties so zone. They are imbedded below within the zoning table.

The permitted land uses include a wide range of both residential and non-residential uses, dwelling units in a low-rise (4 storeys or less) apartment building is a permitted use

The performance standards are contained in Table 185 as adjusted by AM10 Subzone. In general, all of the zoning provisions are being complied with other than:

- the required maximum building height within 20m from a residential lot line, as a uniform building height of 11.998m is proposed across the entire structure; and
- a minimum of 50% of the surface area of the ground floor façade, measured from the average grade up to a height of 4.5 metres, facing a public street must be comprised of transparent glazing and active customer or resident entrance access doors. The amount of glazing provided is 32%.





**Exhibit L:** GeoOttawa map identifying the AM10 H(20) zoning for the Subject Property

| Mechanism                       | Required   | Severed Parcel       | Retained Parcel       | Compliance |
|---------------------------------|--|----------------------|-----------------------|------------|
| Minimum lot area                | No minimum   | 745.1 m <sup>2</sup> | 3968.3 m <sup>2</sup> | Yes        |
| Minimum lot width               | No minimum   | 24.6m                | 99.8m                 | Yes        |
| Front Yard and Corner Side Yard | 0.0m min., with 50% of Building within 4.5m of the street lot line (185(10)(b)(i)) | 76.1%                | n/a                   | Yes        |
| Minimum Interior Side Yard      | No minimum   | 2.69m                | 1.2m                  | Yes        |
| Minimum Rear Yard               | 7.5m   | 7.5                  | n/a                   | Yes        |

| Mechanism   | Required   | Severed Parcel                                     | Retained Parcel | Compliance |
|---|--|--|-----------------|------------|
| Maximum Building Height within 20m of R1 Zone – Table 185(f)(i)   | 11.0m  | 11.998m  | n/a             | No         |
| Maximum Building Height between 20m – 30m of R1 Zone  | 20.0m  | 11.998m  | n/a             | Yes        |
| Maximum Floor Space Index   | None   | 2.1  | n/a             | Yes        |
| Minimum Width of Landscaping Around a Parking Lot (abutting street)                                       | 15% of 486 m <sup>2</sup>  | 80 m <sup>2</sup> (16.5%)                          | n/a             | Yes        |
| Required door facing the street within 4.5m   | Provided   | Provided   | n/a             | Yes        |
| Amenity area requirements   | 6 m <sup>2</sup> / dwelling unit, 505 communal (126 m <sup>2</sup> , 63 m <sup>2</sup> ) | 150 m <sup>2</sup> , exterior rooftop amenity area | n/a             | Yes        |
| A minimum of 50% of surface area of the ground floor façade to be transparent Glazing; Section 186(10)(h) | 50%  | 32%  | n/a             | No         |
| Minimum building height within 10m of a front or corner lot Line 185(10)(e)(ii)                           | 7.5 m  | 11.998m  | n/a             | Yes        |
| Vehicle Parking Requirements  | 0 for first 12 dwelling units, then 0.5/du   | 5 spaces   | n/a             | Yes        |
| Visitor Parking Requirements  | 0 for first 12 dwelling units, then 0.1/du   | 1 space  | n/a             | Yes        |
| Bicycle Parking Spaces  | 0.5/dwelling unit (11 spaces)  | 12 spaces  | n/a             | Yes        |

The reference to n/a in the retained column indicates that the proposed lot line does not impact or have any bearing on that particular performance standard.

Although the zoning does permit taller building heights further from adjacent residential zoned lands, the use of a single uniform building height is still permitted and maintains the intent of the bylaw. More aggressive building heights further from the residential lot line would allow for even more density/dwelling units; however, being on the south side of the low profile detached dwellings to the immediate north of the Subject Property, the lower uniform building height will have less negative impact on those existing dwellings. Shadow studies contained within the presentation to the UDRP indicate that more shadowing would result from a building that extends in height within the permitted variable building height envelop (20m building height from 20m from the residential zoned lands to the front lot line) than what is being proposed through a uniform building height, albeit slightly taller than the maximum permitted building height within 20m of the residential zoned lands.

Beyond that distance from the 20m setback line, the building complies with the maximum permitted building height of 20m. In order to accommodate the 4 dwelling units in the basement level, the building cannot be depressed any further below grade (to remove the need for the minor variance) in order to have windows for those units that meet the building code for occupancy requirements.

The rooftop amenity area is indented from the sides and more importantly the north edge of the building to respect the privacy of the adjacent existing residential uses.

With respect to the reduced amount of glazing along Bromley Road, City Planning Staff have previously noted in their review comments on the Application for Site Plan Control that a reduction from 50% to 32% is acceptable. In consideration of the design and materiality of the building, it is our opinion that the amount of glazing along the Bromley Road façade is appropriate. The southern stub of Bromley Road is a dead end that provides vehicular two small apartment buildings on its west side and the Subject Property on its east side. There are no pedestrian sidewalks and the need to provide up to 50% transparent glazing at the ground level is excessive in the circumstances. Please refer to [Exhibit M](#). Accordingly, we conclude that the design supports intensification while ensuring compatibility with the surroundings.





**Exhibit M:** Google image (June 2023) of the dead-end section of Bromley Road that serves the Subject Property

It is our opinion that through the above noted elements, the general intent and purpose of the Zoning By-law will be maintained if the minor variances for the Proposed Development are approved.

### **3. Desirable**

The proposed variances assist in allowing for the development of a new 3 ½ storey low-rise apartment building with a slight decrease in construction costs due to a simplified design, which savings can be passed onto tenants in the form of lower rents. This results in more affordable dwelling units for the market place.

Furthermore, the project seeks to integrate sustainable design through multiple aspects of its construction. First and foremost, as a new build, this residential development will conform to SB10 of the Ontario Building Code (the “**OBC**”). which requires the building’s energy performance to outperform the National Energy Code by 30% compared to other projects of this type. This requirement, which came into force on January 1, 2017, helps stakeholders meet energy efficiency requirements in the OBC. Ontario continues to promote some of the most progressive regulations in North America for reductions of greenhouse gas emissions and continually pushes for better energy conservation in buildings. The goal with these new guidelines includes optimizing maintenance and building operational practices. This type of construction is consistent with the environmental policies of the Official Plan and Provincial Policy Statement.

The floor to ceiling height of 3.1m for all three above grade floors allows for generous glazing for solar heat since the majority of the windows are south or southwest facing.

Finally, the addition of 21 rental units in a preferred location along major transit route helps to address the ongoing shortage of rental dwelling units in the City of Ottawa and thus represents a desirable use of the Subject Property that is currently used for informal surface parking.

#### **4. Minor in Nature**

The concept of a variance being “minor” in nature is not a mathematical test but rather a test of impact. As such, it is our opinion that in evaluating whether a variance is minor in nature, its impact on the subject site and surrounding land uses must be examined. The proposed building at 11.998m, just 0.998m above the maximum permitted building height (within 20m from the adjacent residentially zoned lands) creates a less massive building against the residential-zoned lands to the north than a building that would/could be designed within the maximum permitted building height across the entire Subject Property (20m in height from 20m from that lot line to the front lot line abutting Carling Avenue).

As indicated above, the rooftop amenity area is indented from the sides and more importantly the north edge of the building to respect the privacy of the adjacent existing residential uses. This minimizes impact on the adjacent residential uses. Keeping the building at a total building height of 11.998 for the 3 ½ storey structure, as opposed to building to the maximum permitted building height of 20m, albeit further from the residential lot line, reduces impact on those adjacent lots.

It is our opinion that the requested impact of the additional building height within 20m of that line would be less onerous on the adjacent low-rise residential uses than a transitionally taller building, almost 2 times that height starting 20m from that lot line. The shadowing of a much taller building would be more impactful than the proposed uniform building height of 11.998m.

In term of the reduction in glazing along the ground floor facing Bromley Road, the impact is nominal given that the low amount of vehicular and pedestrian traffic along this short section of roadway. The design of the west façade of the building is appropriate given the residential units contained therein and the need for an element of privacy. A variance with respect to amount of glazing is in order.

#### **Summary and Conclusions**

In conclusion, it is our professional planning opinion that all four tests of the *Planning Act* are met to support the small increase in maximum permitted building height (over only a portion of the Subject Property) and should be granted by the Committee. The Proposed Development will be sensibly located along a Corridor - Mainstreet in keeping with the policies of the new Official Plan and represents good and defensible land use planning.

Furthermore, the use of the Consent process to create both lots and realign the existing right-of-way is clearly the preferred approach to undertake these lot creations and should be supported by the Committee of Adjustment.

We trust that you will process this application expeditiously for the next available hearing of the Committee. If you have any questions or require clarification on any matters, please do not hesitate to contact the undersigned.

Landscape Ltd.

A handwritten signature in blue ink, appearing to be 'Jonah Bonn', written over a faint circular stamp or watermark.

Per: Jonah Bonn, MCIP, RPP