

Date: February 26, 2024

File: 010524 - 507 Bay Street

To: Michel Bellemare, Secretary Treasurer
Committee of Adjustment
City of Ottawa, 101 Centrepointe

Committee of Adjustment
Received | Reçu le

2024-02-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: PROPOSED PERMISSION FOR 507 BAY STREET, OTTAWA

Dear Mr. Bellemare,

Q9 Planning + Design have been retained to prepare a Planning Rationale regarding the permission application in order to construct an addition to multiple residential building on the subject site at 507 Bay Street.

The following represents the Planning Rationale cover letter required as part of the submission requirements for an application to the Committee of Adjustment.

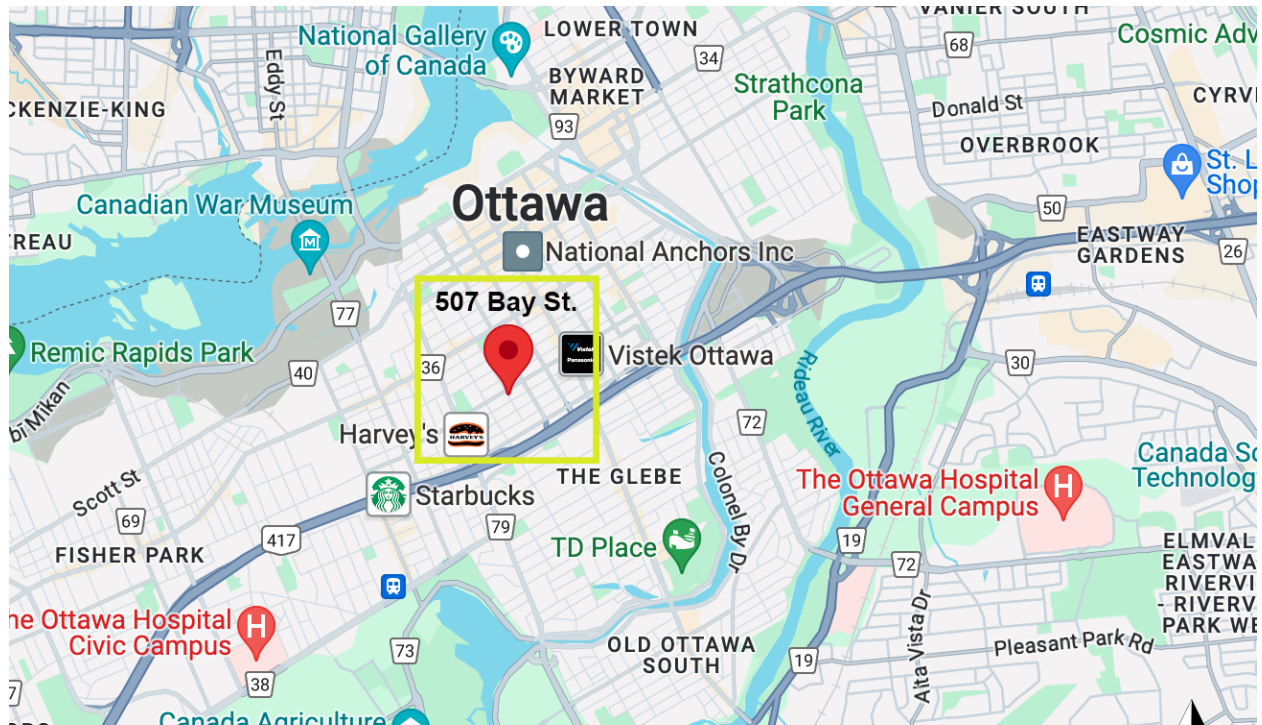


Figure 1: Location Plan (Source: Google Maps)

OVERVIEW

The subject site is a rectangular, corner lot located on the southeast corner of Gladstone Avenue and Bay Street, within Ward 14 - Somerset in the City of Ottawa. The neighbourhood is characterized by a mix of uses and many different residential dwelling types, with ground-oriented forms such as detached dwellings and multiple unit residential buildings located in close proximity to the Gladstone corridor which contains mixed use development in a low-rise building form. The subject site has frontage on both Bay and Gladstone. The currently 2.5-storey dwelling on the property fronts onto Bay Street.

The proposed development is to add additional units to the rear of the existing 2.5-storey dwelling that fronts on Bay Street. The new units will address Gladstone Street and provide a 10-unit low-rise apartment use on the subject property. The proposed building will also provide frontage on Gladstone and will fill in the existing gap in the streetscape. In order to facilitate this development, a permission application is required.

Permission Requested

The Permission for this application is identified below:

Multiple Residential Building (507 Bay Street)

- (a) To expand a legal non-complying low-rise apartment dwelling by constructing a 3 storey addition with a rear yard setback of 0.39 metres, whereas the by-law requires a rear yard setback of 7.5 metres.

Documents Required and Submitted

The following lists all required and submitted documents in support of the identified Committee of Adjustment applications.

- [Site Plan
- [Elevations
- [Survey
- [Planning Rationale (this document)
- [Fee
- [Application Form

SITE & CONTEXT

Site

The subject site is a rectangular corner lot located at the southeast corner of Gladstone Avenue and Bay in Centretown. The property is currently developed with a 2.5-storey detached dwelling constructed from a combination of brick and stucco. The site has 10.09 metres of frontage along Bay Street and 30.27 metres of frontage along Gladstone Avenue and is approximately 305.47 square metres in area. The abutting property to the east (#526 Gladstone) is a 2.5-storey multi-residential building. The abutting property to the south (#509 Bay) is a 2.5-storey detached dwelling. The following list provides the lot dimensions for 507 Bay Street:

- [Lot frontage (Bay): 10.09 m
- [Lot depth/Lot frontage (Gladstone): 30.27 metres
- [Lot area: 305.47 square metres

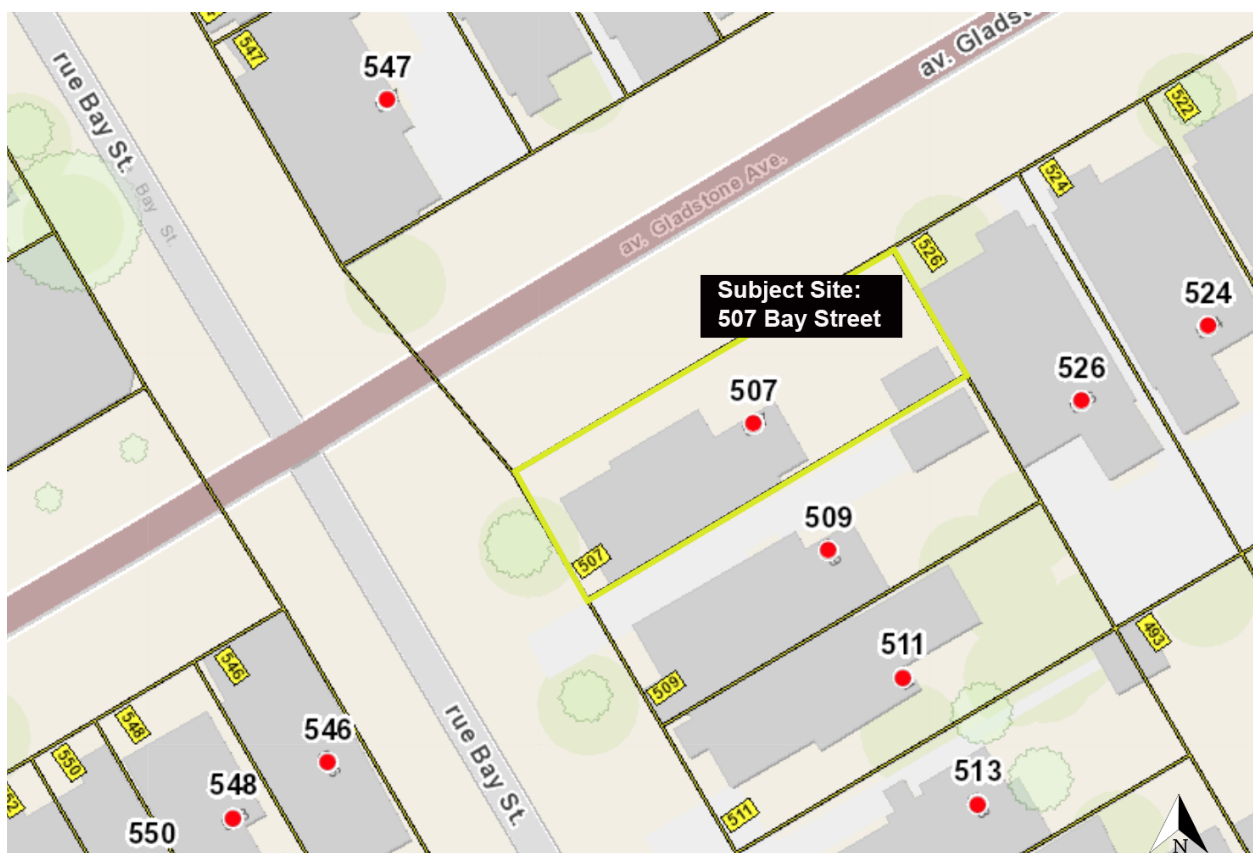


Figure 2: Site Map (Source: GeoOttawa)



Figure 3: Image of existing building on subject site

Context

The subject property is located in an established mixed-use neighbourhood consisting of a variety of ground-oriented residential dwelling types and commercial uses. Bay Street is characterized by 2.5 to 3 storey detached residential dwellings, some containing multiple units. There is also a three storey low-rise apartment building. Along Gladstone is a variety of residential and commercial uses in low-rise commercial buildings, mainly 2 to 3 storeys in height. The immediate context is characterized by a variety of architectural styles and features, indicating gradual and continuous redevelopment of the area over time. The property forms part of a block that is bounded by Gladstone Avenue to the north, McLeod Street to the south, Bay Street to the west, and Lyon Street North to the east. There are seven lots located along the western end of the block including the subject property. The subject property is located at the southeast corner of Bay and Gladstone and has frontage on both streets.

Most of the lots in the immediate area along bay and Gladstone Avenue consist of detached detached homes (some with multiple units and uses) situated inline on somewhat varied, rectangular lots. Various hipped, gabled, and flat roof types are present along the street, with most units having front facing main entrances and being two-to-three storeys in height.

Both Bay Street and Gladstone Avenue feature sidewalks on each side of the street. Bay Street is a one-way street travelling north and Gladstone has one lane of vehicular travel in

each direction. There is a bus route, #14 that runs directly in front of the subject site on Gladstone Ave. Bronson has bus route, #10 and Bank Street has bus routes #6, #7 and #11. The site is within walking distance of the LRT line. There is a bicycle lane directly in front of the site on Bay, as well as on, Lyon Street North and Percy Street.



Figure 4: Context Map (Source: Google Maps)

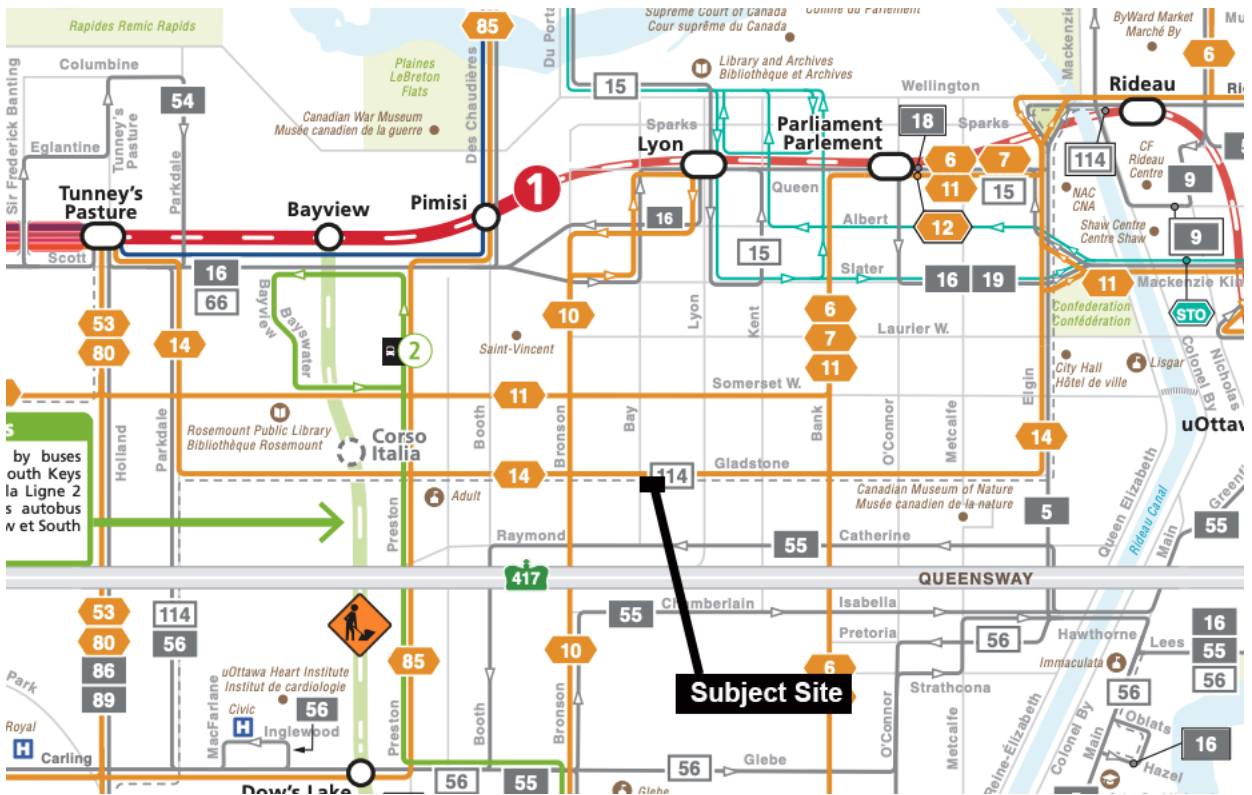


Figure 5: Public Transit Network (Source: OC Transpo)

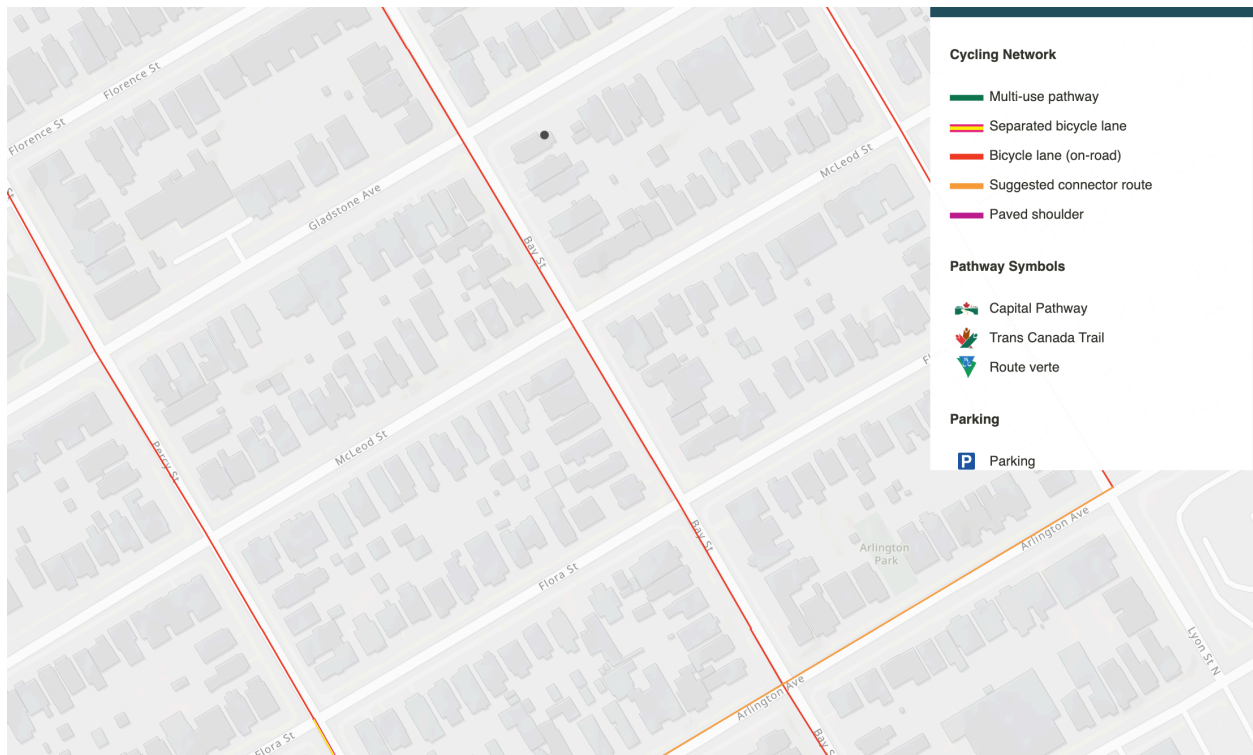


Figure 6: Cycling Map (Source: National Capital Commission)



Figure 7: Picture of the Bay Street frontage. Parking and driveway in the foreground belongs to the neighbouring property



Figure 8: Subject property, south side of Gladstone viewed from Gladstone Avenue



Figure 9: North side of Gladstone across the street from the subject property



Figure 10: View across the street from the subject site on Bay Street

PROPOSED DEVELOPMENT

The proposed development is to demolish a portion of the rear of the existing 2.5-storey detached dwelling on the property and construct a new addition that will contain 6 new apartment dwellings. There are currently 4 apartment units in the existing 2.5 storey dwelling. The front portion of the dwelling will remain and the addition is planned for the rear portion of the existing building. The new building will contain 10 total units and provide a built form presence and active frontage on Gladstone Avenue.

The building addition will create a building that also fronts onto Gladstone Avenue, filling in a gap that currently exists in the streetscape. It will be constructed with a mix of brick and stucco material to reflect the design and materials in the existing building. The development will provide more apartment units in an urban centre designed for those looking to live in a pedestrian-orientated, cycling-friendly area.

The dwelling is designed to be compatible with neighbouring dwellings, with an appropriate 3-storey scale that compliments the abutting 2.5-storey dwellings to the south and east. The selected materials will further ensure that the home will be compatible with the neighbourhood character while integrating the new units in a way that will provide a building that addresses both Bay and Gladstone.

The development will feature a front yard setback of 2.84 metres, a corner side yard setback of 2.32 metres (legal non-complying), interior yard setback of 6.23 metres and a rear yard setback of 0.39 m - 1.25 metres. The existing building has a rear yard setback of 0.39 m.

The proposed permission application is to permit a rear yard setback of 0.39 m - 1.25 m whereas the required setback is 7.5 m. The existing building has a legal non-complying rear yard setback of 0.39 m. Therefore the application is to permit an extension to the existing legal non-complying condition.

The proposed development will provide zero parking spaces, the addition of 13 new bicycle parking spaces, at-grade amenity space in the form of a patio space and the provision of a new deciduous tree along Bay Street.

The following pages contain the Rendering, Site Plan, and Elevations.



Figure 11: Renderings of proposed addition, prepared by David Beckers

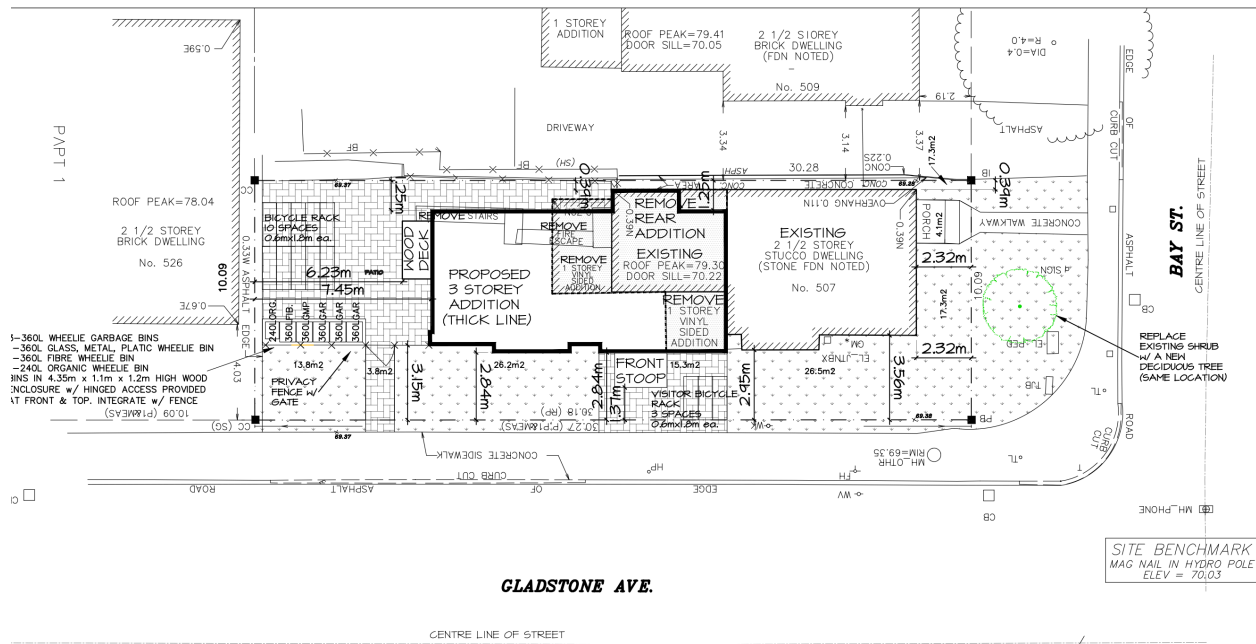


Figure 12: Site Plan prepared by David Bekkers

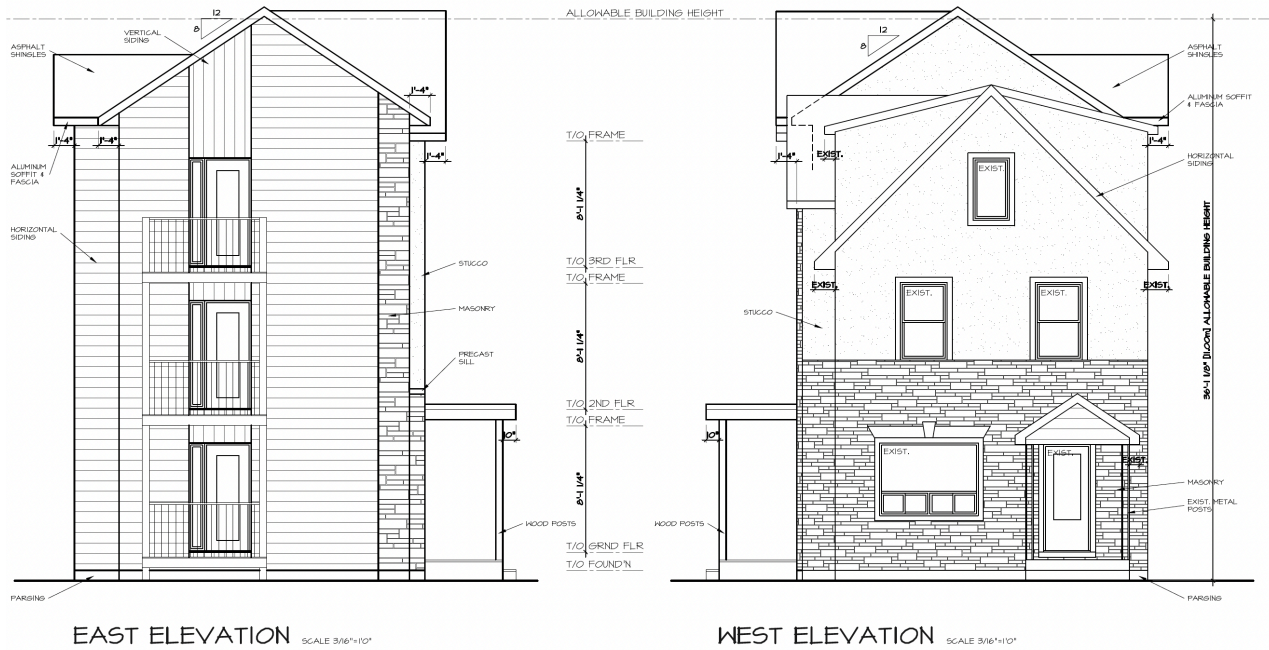


Figure 13: Front and rear elevation prepared by David Bekkers



Figure 14: North elevation prepared by David Bekkers

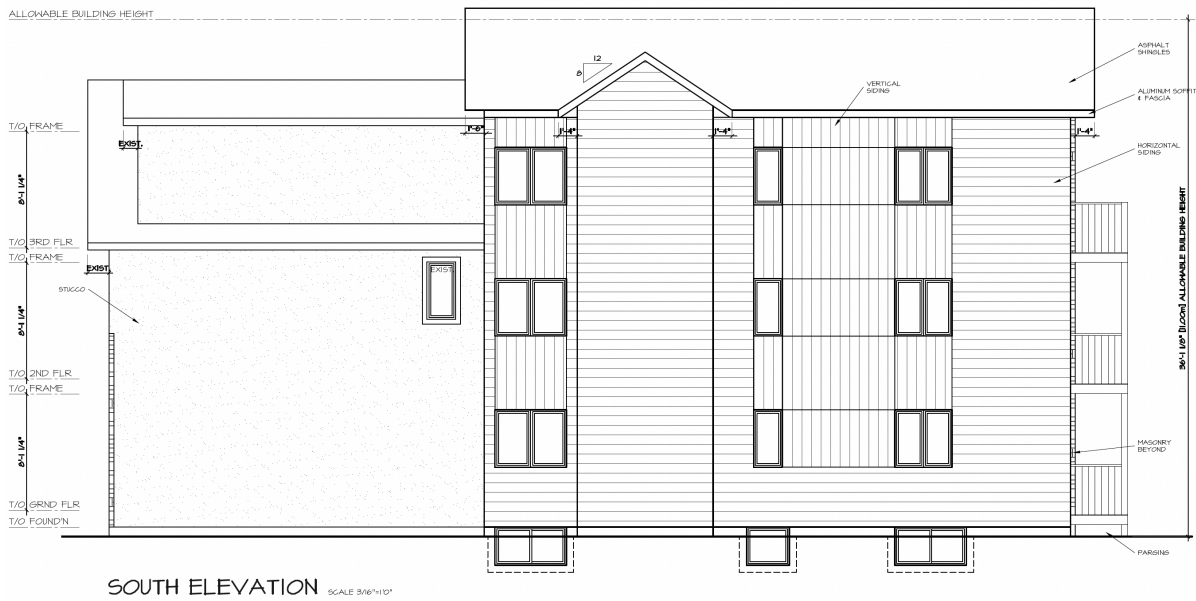


Figure 15: South elevation prepared by David Bekkers

POLICY REVIEW

In order to obtain approval of the proposed permission application required to construct an addition to the existing building to provide a total of 10 units on the subject property, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides broad policy direction on matters of provincial interest related to land use planning and development. The Plan is intended to provide for appropriate development while protecting Provincial resources of interest, public health and safety, and the quality of the natural and built environment. The PPS is complemented by other Provincial plans as well as municipal plans such as Official Plans and Secondary Plans. All plans and decisions affecting planning matters “shall be consistent with” the PPS.

Section 1.0 intends to wisely manage change and plan for efficient land use and development patterns, which in turn help support sustainability through strong, liveable, healthy, and resilient communities.

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

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- 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;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity;*
and
- i) *preparing for the regional and local impacts of a changing climate.*

Comment: The proposed development results in the construction of a 10 unit, low rise apartment use on an existing lot within the urban boundary. The proposal will provide a

new tree on Bay Street, where currently only a shrub exists. No parking is provided however 13 bicycle parking spaces and an outdoor patio are proposed. No exterior building modifications are proposed to the front of the building along Bay. An addition to the dwelling unit will provide a building that addresses Gladstone Avenue. Therefore the proposal and existing building is in keeping with the character of the community while contributing new housing units in the urban area through infill development.

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:*

- 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.*

Comment: The subject site is located inside the urban boundary. The proposed development results in the creation of six (6) new dwelling units on an existing lot within an established residential area, avoiding the creation of additional lots in a greenfield area. The proposal makes use of existing municipal services, infrastructure, and public transportation and does not require their uneconomical expansion.

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:*

- b) *permitting and facilitating:*
 1. *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*
 2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *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;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

- f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

Comment: The proposed development results in the creation of a low-rise apartment on the subject property through a contextually-appropriate redevelopment of the existing site. The proposed development will be constructed on an existing serviced lot and does not necessitate the expansion of municipal infrastructure or services. Furthermore, the building will retain the low-rise, ground-oriented context of the area and achieves an appropriate design response that is compatible in scale, height, and massing with the surrounding neighbourhood. The proposal more optimally utilizes the available space on the lot while preserving the existing tree canopy and providing sufficient landscaping, amenity space and bicycle parking.

Section 2.0 of the PPS aims to ensure Ontario's long-term prosperity, environmental health, and social well-being through the wise management and conservation of natural resources. This includes policy direction on conserving biodiversity, protecting the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources.

Section 3.0 of the PPS intends to provide for Ontario's long-term prosperity, environmental health, and social wellbeing by reducing potential natural and human-made hazards and threats to public safety. Development is to be directed away from natural or human-made hazards.

Based on our review, it is our professional planning opinion that the proposed development conforms with the Provincial Policy Statement (PPS), 2020.

City of Ottawa Official Plan

Designation: *Minor Corridor, Downtown Core Neighbourhood*

The new City of Ottawa Official Plan was passed by City Council on November 24th, 2021 and was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4th, 2022. The Official Plan builds on the Five Big Policy Moves identified in the City's Strategic Plan and provides renewed goals, objectives, and policies intended to guide future growth and land use decision-making into the year 2046.

Section 2 contains the overarching strategic directions of the new Official Plan, centred around the Five Big Moves. These five broad strategic directions call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The proposed development results in the construction of a net increase of six (6) new dwelling units on an existing site within the urban area. It achieves a context-based

and compatible design that is appropriately scaled to the neighbourhood and fits within the existing streetscape. The development also provides for new housing units through redevelopment of an existing property, helping to manage growth through infill development and intensification. The proposal is appropriate based on the surrounding neighbourhood context and its location within a Minor Corridor in the Downtown Core Transect, contributing to the achievement of the Five Big Policy Moves.

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. Most of the future growth in population and jobs is expected to occur within the urban settlement area, with the balance being accommodated in rural areas. Six transect policy areas underpin this growth management framework, with each transect policy area planning for new growth accommodation in accordance with the existing development context. Tailored direction is provided to gradually transition lands within these transects towards 15-minute communities.

Comment: The subject site is located in the urban settlement area within an established mixed use neighbourhood in the Downtown Core Area. It is currently developed with a 2.5-storey, 4 unit apartment dwelling. The proposed development provides the same residential use within the same low-rise typology, however an addition to the building will provide 6 new units for a total of 10 units. The redevelopment retains a contextual form and dwelling type on the site while supporting growth on an existing lot. This aligns with the planned direction for growth management in urban areas. New dwelling units supports diversity and life cycle adjustments in a community.

Section 4 of the Official Plan provide policies applicable to development throughout the City, including those for more sustainable modes of transportation and the design and creation of healthy, 15-minute neighbourhoods. It also promotes housing choice to accommodate a variety of needs.

Comment: The proposed development provides new apartment units within the urban area, contributing to the housing choice and meeting the needs of those seeking ground oriented apartment units in an urban setting.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Comment: The proposed development provides for compatible infill by creating additional density through the addition of new apartment units as an addition to an existing building. The proposed 3-storey height is compatible with the neighbouring detached dwellings, which range from 2 - 3 storeys and fit with the overall neighbourhood context of low to mid rise heights. Furthermore, the additional units does not overdevelop the lot, as the units are replacing the existing parking on the subject site. The existing building currently fronts on Bay Street, however the proposed addition will also provide a building frontage including an access and bike parking that will activate the Gladstone streetscape. The building contributes quality design to the area and constitute compatible infill of the subject site.

Section 5 provides detailed policies for each of the six transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable 15-minute communities. The subject site is located within the **Downtown Core Transect** and is designated **Minor Corridor**.

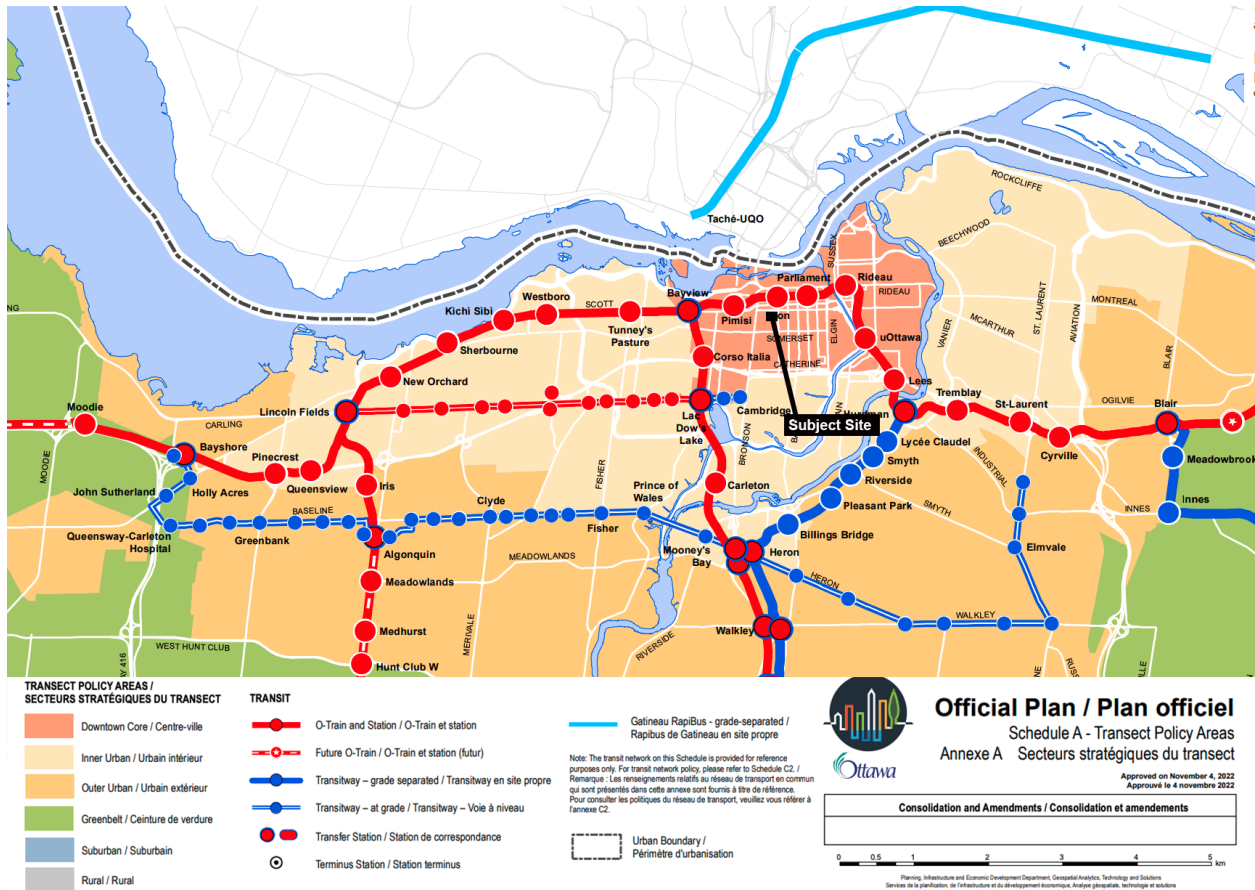


Figure 16: City of Ottawa Official Plan, Schedule A. (Source: City of Ottawa).

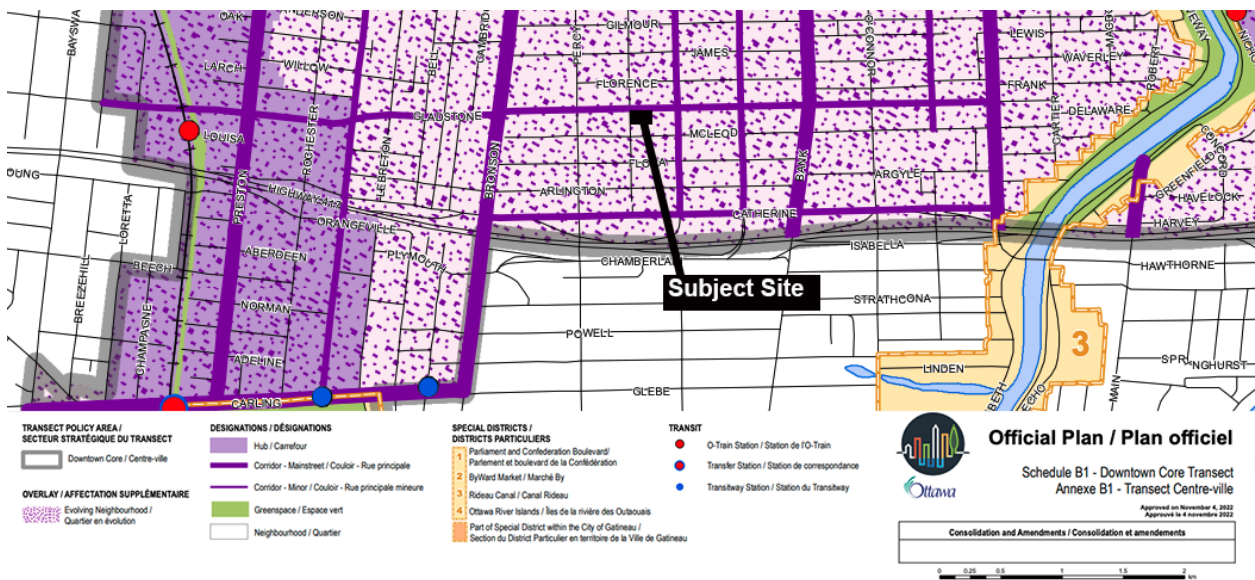


Figure 17: New City of Ottawa Official Plan, Schedule B2. (Source: City of Ottawa).

Section 5.1 provides policies for the Downtown Core Transect, which represents the historic, geographical, physical, cultural, symbolic and employment hub of the National Capital Region. It is part of a larger metropolitan downtown core that includes the Centre-Ville de Gatineau as defined in the Plan d'urbanisme de la Ville de Gatineau, and this larger metropolitan downtown core is the centre of the regional public transit network. The intent of Section 5.1 is to enhance the existing urban built form pattern, site design, and mix of uses. It is generally planned for low-to-mid rise development, subject to transit proximity and secondary plans or area-specific policies. Within the Downtown Core Transect, along Minor Corridors, between two and nine storeys is permitted.

Comment: The proposed low-rise apartment represents a contextually-appropriate building height that aligns with the height direction for Minor Corridor in the Downtown Transect. The development contributes to enhancing the existing built form in the neighbourhood, improving the residential use of the property through a newer home that better meets the owner's needs while being compatible in scale with abutting properties. The proposed development removes existing parking and replaces the space with new units, amenity area and 13 bicycle parking spaces.

Section 5.1.(2) states that the transportation network for the Downtown Core shall prioritize walking and cycling for short trips, and cycling and transit for longer trips, such that convenience and safety for pedestrians, cyclists and transit users shall take priority over private motor vehicle access and movement in the Downtown Core.

Comment: The proposed development removes existing parking and replaces the space with new units, amenity area and 13 bicycle parking spaces.

Section 5.1.(4) states that on Downtown Core Minor Corridors, all buildings shall have active entrances facing the Minor Corridor, regardless of use. Minimum 2 storeys and maximum building heights are generally in upper Mid-rise range between 7 and 9 storeys, except where a secondary plan or area-specific policy permit greater or lower heights and are subject to appropriate height transitions and stepbacks. The height of such buildings:

- a) Shall, with respect to the wall heights directly adjacent to a street, 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);
- 138 b) May be limited further on lots too small to accommodate an appropriate height transition; and
- c) May be increased to generally 15 storeys within 100 metres walking distance of a rapid transit station.

Comment: The proposed new building is 3 storeys in height which is within the permitted range of 2 - 9 storey height requirement by the Minor Corridor designation (Downtown Core) and the 5 storey maximum height in the Central and East Downtown Core Secondary Plan. The building will provide an active frontage and access on Gladstone Avenue. The addition will fill in a gap in the streetscape building wall that currently exists along the Gladstone corridor.

Section 6.0 contains policies specific to designations within the urban settlement area.

Section 6.2 contains policies that pertain to Corridors. These are contiguous 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. A variety of dwelling types and densities are permitted in Corridors, with the intent of creating and reinforcing 15-minute communities through gradual, context-sensitive development. Permitted building heights are generally 2-9 storeys, which transition in height and density from the corridors interior towards neighbourhoods.

Policy 6.2.1(4) states 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.

Comment: The proposed development will result in six new units through infill of an existing, under-utilized lot. No adverse shadowing or overlook impacts are anticipated, and the proposed building height aligns with the established 2 to 3-storey context of the neighbourhood and the abutting 2.5-storey homes. No adverse noise impacts or traffic will be generated as a result of the development, which constitutes a net gain of six dwelling units. The proposal aligns with the planned height context for Corridors and the Central and East Downtown Core Secondary Plan and provides an appropriate and compatible building type, density, and scale. Furthermore, the proposal does not overdevelop the site, and is considerate of the surrounding context of low-rise detached dwellings.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Official Plan.

Central & East Downtown Core Secondary Plan

Designation: *Corridor in the Residential Character Area (Centretown)*

The subject site is located within the Residential Character Area (Centretown) and is designated Corridor. As per Schedule C - Maximum Building Height, the maximum permitted building height is 5 storeys.

The Centre and East Downtown Core Secondary Plan, Centretown Character Area in Policy 4.4.4 outlines core principles that provide a vision for Centretown and the foundation for this Character Area. They recognize that Centretown is not only one of Ottawa's oldest established communities with many significant built heritage resources but also is an area of the city that will continue to evolve to accommodate more residents and businesses. The following principles reinforce each other, and none is more important than any other. They establish overarching goals for Centretown, and each provides the basis for the more specific objectives:

- (1) Maintain and respect the character of Centretown's neighbourhoods
- (2) Accommodate residential growth
- (3) Accommodate a diverse population
- (4) Reinforce and promote commercial activity
- (5) Enhance the public realm
- (6) Prioritize and improve walking, cycling and transit use
- (7) Promote design excellence

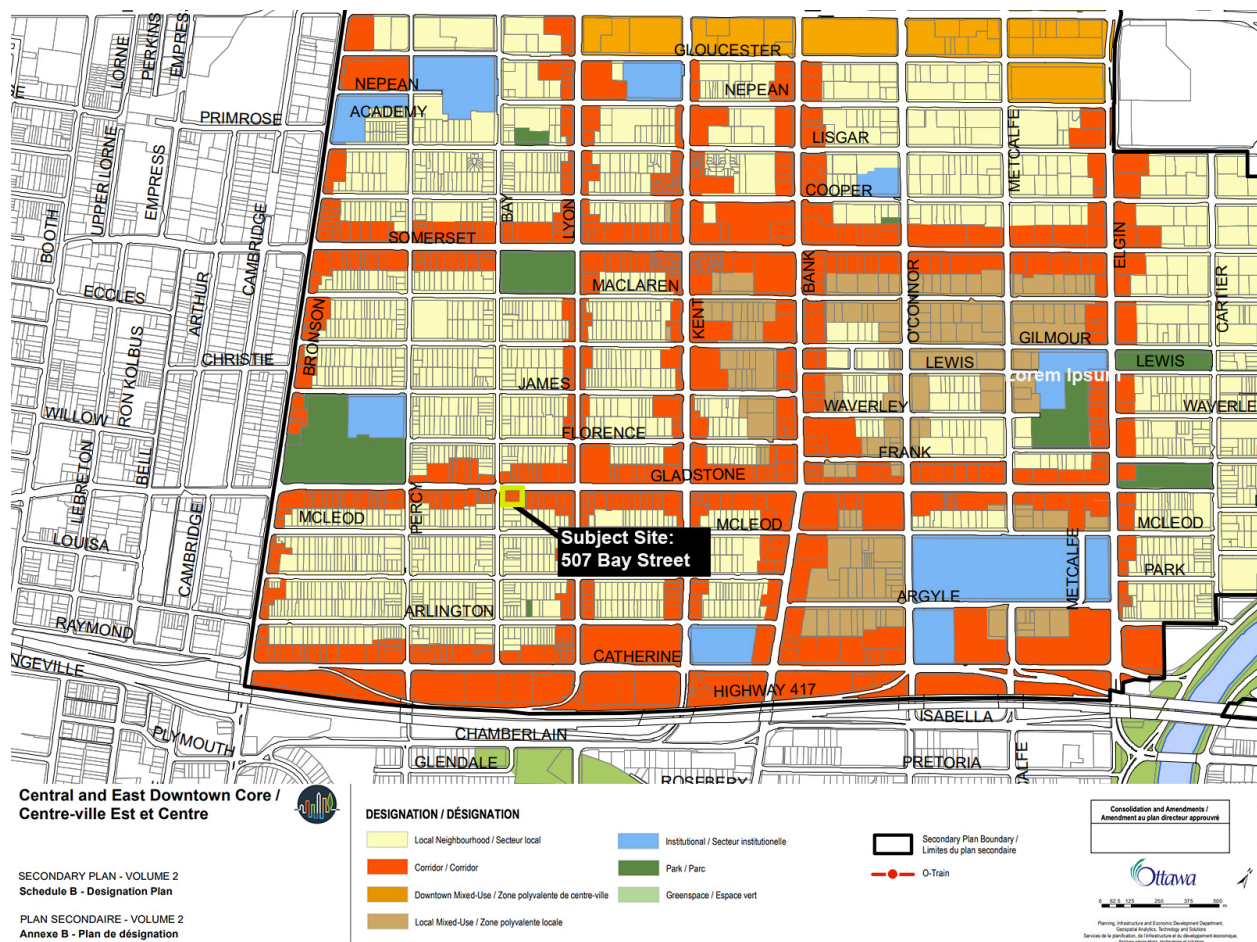


Figure 18: City of Ottawa Central and East Downtown Secondary Plan, Schedule B. (Source: City of Ottawa).

Comment: The proposed development will both maintain and enhance the character of the Centretown neighbourhood and the Gladstone Corridor. The development will accommodate 6 new units for a total of 10 units on an under-utilized site in the core. The units will provide housing option for those looking for ground oriented units within close cycling and walking distance to various amenities within the core. The close location of the units to Gladstone will support the local commercial areas along the corridor and along Bank, Elgin and the Downtown Core. Currently, the existing building faces Bay Street with the side and rear of the building (including the existing parking) fronting on Gladstone. The proposed new building will remove the parking and prove a built form along Gladstone that will address the street though the provision of a better built form, windows and an entrance and bicycle parking that faces the public realm.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Secondary Plan.

City of Ottawa Zoning By-law

The City of Ottawa zones this site as TM14 H(17) - Traditional Mainstreet, Subzone 14, maximum height 17 metres. The TM zone permits a broad range of uses, including retail, service commercial, office, residential and institutional uses, including mixed-use buildings, and fosters and promotes compact, mixed-use, pedestrian-oriented development. The table below provides an overview of the required provisions for this zone and the proposed development's compliance.

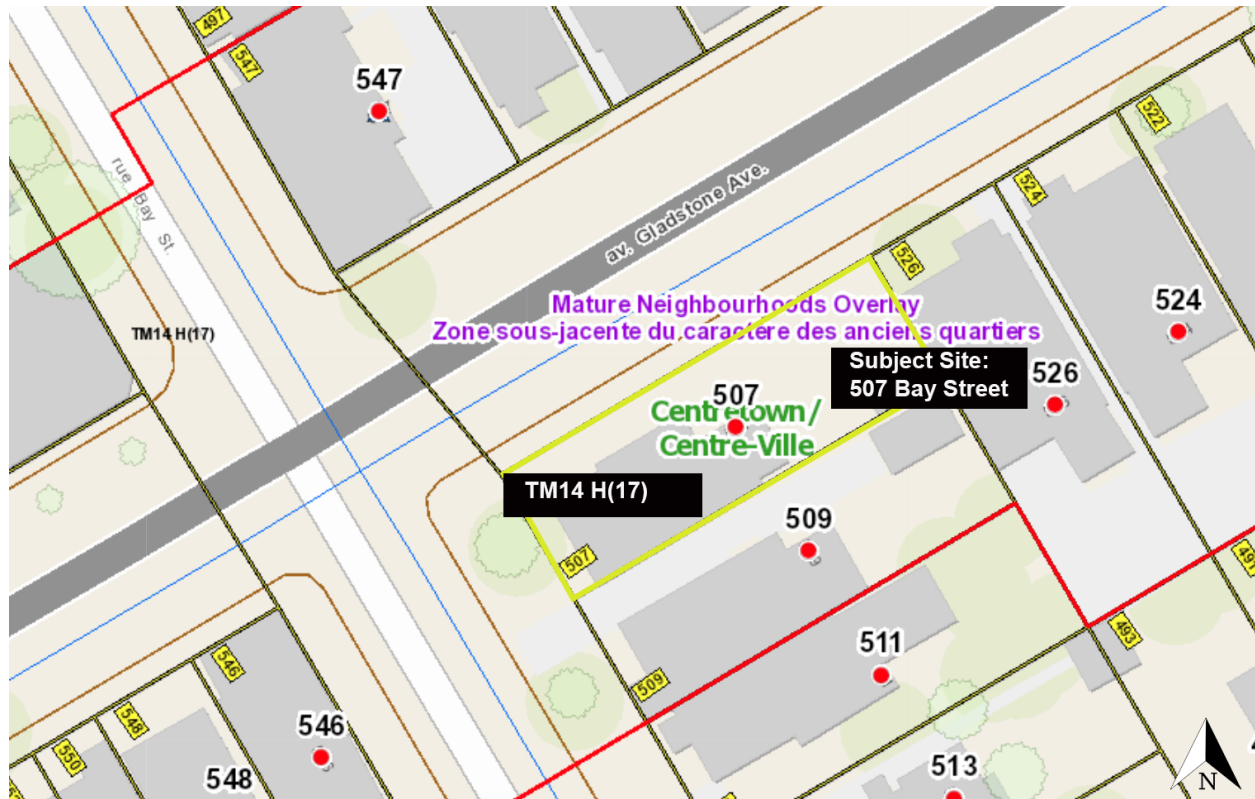


Figure 19: Zoning Map (Source: GeoOttawa)

| EXISTING ZONING BY-LAW TM14 H(17) | Requirement | Provided | Section |
|--------------------------------------|-------------|----------|---------------------------|
| Minimum Lot Width | No minimum | 10.09 m | Section 197, Table 197A |
| Minimum Lot Area | No minimum | 305.53 | Section 197, Table 197A |
| Max Building Height | 17 m | 9.37 m | Special Height Regulation |
| Minimum Front Yard Setback | 2 m | 2.84 m | Section 197, Table 197A |

| EXISTING ZONING BY-LAW TM14 H(17) | Requirement | Provided | Section |
|--|--|--|-------------------------|
| Interior Side Yard Setback | 1.2 m | 6.23 m | Section 197, Table 197A |
| Minimum Rear Yard Setback | 7.5 m | Existing Building (legal non-complying): 0.39 m Proposed Addition: 0.39 - 1.25 m | Section 197, Table 197A |
| Corner Side Yard | 3 m, for any part of the building above 15 m an additional 2 m setback | 2.32 m (legal non-complying) | Section 197, Table 197A |
| Ground Floor Entrance | The façade facing the main street must include at least one active entrance serving each residential or non-residential use occupying any part of the ground floor | 1 active entrance on Gladstone and Bay | Section 197(13) |
| Maximum Floor Space Index | No Maximum | Unknown | Section 197, Table 197A |
| Parking Requirement: Area Y Inner Urban Mainstreets | Where a residential use is located within a building of four or fewer storeys, no off-street motor vehicle parking is required to be provided under this section for the residential use | No parking provided | Section 101(4)(a) |
| Bicycle Parking Requirements | 0.5 per dwelling unit, 5 required | 13 provided | Section 111 |
| Minimum Width of Landscaped Area | No minimum except where a yard is provided and not use for required driveways, aisles, parking or loading spaces, the whole yard must be landscaped | | Section 197, Table 197A |

TM14 – Subzone (14)

In the TM14 subzone, (a) Any use listed in subsection 197(1)(e), other than office, is limited to a maximum gross floor area of 225 square metres; (b) The following additional uses are also permitted: detached dwelling duplex dwelling semi-detached dwelling stacked

dwelling three-unit dwelling townhouse dwelling (c) Despite clause 197(1)(b), permitted residential uses and office are allowed to occupy any part of the ground floor; and, (d) Despite clause 197(g)(ii), the maximum building height is 14.5 metres, except where otherwise provided for by an H suffix, exception or schedule. (By-law 2015-44)

PLANNING ACT REVIEW

Review of Section 45(2) Permission Application

The *Planning Act* requires that permission applications are only to be granted so long as they meet the two criteria as set in Section 45(2). The two criteria under Section 45(2), which typically deal with new development onto legally existing non-compliant or non-conforming development, is: Is the proposal similar to the current usage of the land, building or structure?; or Is the proposal more compatible with uses permitted by the current zoning by-law? Only one of these criteria needs to be satisfied for an approval to be granted by the committee.

Is the proposal similar to the current usage of the land, building or structure?

Permission: Extension to Existing Rear Yard Setback

The requested permission application is to permit a reduced rear yard setback of 0.39 m - 1.25 m, where the By-law requirement is 7.5 m. The rear yard setback of the existing building is 0.39 m (legal non-complying). We are requesting an extension to a legal non-complying rear yard setback.

The requested permission application for the reduced rear yard setback is to expand the existing building to accommodate an addition which will provide an increase in the total number of residential units. The building currently has 4 units and an additional 6 units are proposed for a total of 10 units. Parking will be removed and the building will be extended to the east of the existing building. The existing building has a rear yard setback of 0.39 m (which is legal non-complying). The Zoning By-law requires the front yard of a property to be the frontage located along the Traditional Mainstreet, which in this case is Gladstone Avenue. The existing 2.5-storey house fronts onto Bay Street. The addition will provide additional dwelling units which also front onto Gladstone. As a result of this By-law provision, what is effectively the interior side yard, becomes the required rear yard. According to the By-law, a 7.5 m rear yard setback is required. The rear lot line functions as an interior lot line according to the orientation of the building towards Bay Street. The provided setback of 0.39 m for a small bump out and 1.25 m for the balance of the addition which is slightly larger than the required interior side yard setback requirement of 1.2 m.

The extension to the building will have a rear yard setback of 0.39 m - 1.25 m. The proposal will maintain the same use and will provide a setback that is mostly greater than that what currently exists as the legal non-complying condition and is closer to the requirement of in the By-law. The proposed setback is also similar to what is used as a standard interior side yard setback for low-rise development.

The building is appropriately scaled to the lot, with all other performance standards and landscaped areas met. The proposal will not impact the amount of landscaping soft landscaping that is able to be provided. The width of the front and side yards provides ample opportunity for soft landscaped areas adjacent to the street and interior to the site, contributing to the overall streetscape design. All areas that on the site that don't contain hard landscaping for the purposes of access (pedestrian), bicycle parking or amenity space will be landscaped with soft landscaping.

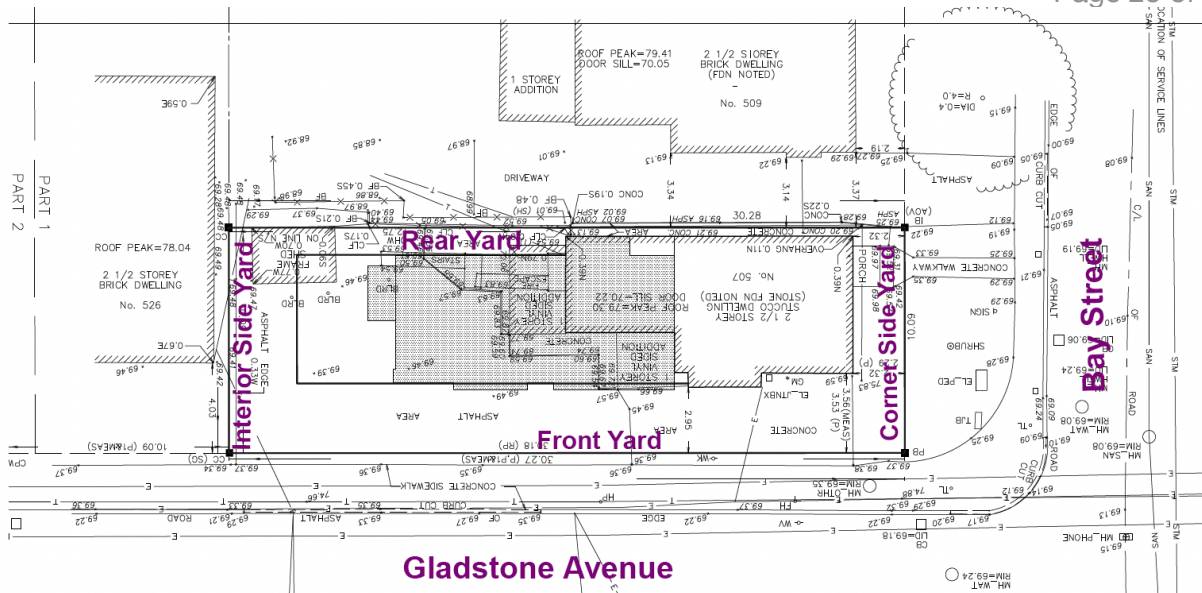


Figure 20: Application of Yards on the Subject Property

Is the proposal more compatible with uses permitted by the current zoning by-law?

Permission: Extension to Existing Rear Yard Setback

The rear yard setback of the building on the subject property is 0.39 m. The majority of the extension to the building will have a rear yard setback of 1.25 m with a small bump out at 0.39 m. The proposal will maintain the same use and will provide a setback that is mostly greater than what currently exists as the legal non-complying condition and is closer to the requirement of in the By-law. For the purposes of compatibility, the rear yard functions similar to an interior side yard setback to the adjacent use to the south, given that the building fronts onto Bay Street. The provided setback, being mostly 1.25 m is slightly larger than the typical interior side yard setback requirement of 1.2 m. Therefore the proposal is more compatible with the surrounding context from a use and regulatory perspective.

CONCLUSION

As noted, the proposed development with the requested permission application results in the construction of six new dwelling units that provides new units in an urban setting while still being compatible in height, scale, and massing with the surrounding properties. The home will align with the low-rise, ground-oriented context along both Bay Street and Gladstone Avenue and contributes an aesthetically-pleasing and well-designed low-rise apartment to the area.

The proposed development requires a permission application to extend the legally non-complying rear yard setback.

As demonstrated in this cover letter, the proposed permission request is supportable with the development providing a proposal similar to the current usage of the land or building and/or structure and a proposal that is more compatible with uses permitted by the current zoning by-law.

Collectively considered, the development with the requested permission application meets the criteria required under Section 45(2) of the Planning Act.

It is the opinion of Q9 Planning + Design that the proposed permission application constitutes good land use planning and meets the required tests and criteria set out in the *Planning Act*.

Yours truly,



Christine McCuaig, RPP MCIP M.PI
Principal Senior Planner + Project Manager



APPENDIX A

Correspondence on Tree Information Report Requirement



Christine McCuaig <christine@q9planning.com>

Re: 507 Bay Tree Information Report

Committee of Adjustment Trees/Comité de Dérogation Arbres <cofa_trees@ottawa.ca>
To: Christine McCuaig <christine@q9planning.com>, Dayna Edwards <ddayna@q9planning.com>
Cc: Committee of Adjustment Trees/Comité de Dérogation Arbres <cofa_trees@ottawa.ca>, "Young, Nancy" <Nancy.Young@ottawa.ca>

Tue, Feb 27, 2024 at 1:00 PM

Hello Christine & Dayna,

Confirming that no TIR would be required for your application at 507 Bay.

Please ensure that the new tree proposed to be planted within the municipal right-of-way will be a medium-growing species and that the selection of a native species is prioritized.

There appears to be further planting opportunities in front of the proposed addition. Please consider additional planting of trees on private property following construction.

Kind regards,

Julian Alvarez-Barkham (he/him/il)
Planning Forester (T), Natural Systems and Rural Affairs
Planning, Real Estate and Economic Development
City of Ottawa | Ville d'Ottawa

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