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Reply to/Communiquez avec:  
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613.566.2836 amagneron@perlaw.ca

February 12<sup>th</sup>, 2025

**BY COURIER**

Michel Bellemare  
Secretary-Treasurer  
Committee of Adjustment  
101 Centrepointe Drive, 4th Floor  
Ottawa, ON K2G 5K7

Dear Mr. Bellemare:

**Re: 1178 Cummings Avenue, Ottawa, ON (the “Property”)**  
**Consent to Sever Application**  
**Our Reference: PLUX-0001**

### 1) Summary of Application

We have been retained by Place Lux II Inc. (the “**Owner**”) to prepare two (2) Consent to Sever Applications for their Property, one being for the severance itself and the other being for the proposed easements (collectively, the “**Application**”). The Owner is seeking to sever the Property into two sections, being phase 1 and phase 2 (individually, the “**Entity**”, and collectively, the “**Complex**”), to facilitate financing and the future sustainable operation of the Complex.

The Complex is currently under construction and being developed into a residential building complex to be constructed in two phases. The first phase (the “**Phase 1**”), occupying the southern part of the Property, includes a 36-storey residential rental apartment building (Tower 3) containing 244 dwelling units and a 8-storey residential rental apartment building containing 182 dwelling units (Tower 4). The second phase (the “**Phase 2**”), occupying the balance of the Property, consists of two residential rental apartment buildings. The first one being 25 storeys in height and containing 234 dwelling units (Tower 1) and the second one being 27 storeys in height and containing 252 dwelling units (Tower 2). Within each phase, the Complex features a 6-storey podium above which the apartment buildings rise. Once completed, the Complex will include three storeys of underground parking, which totals to 584 vehicle parking spaces, 60 visitor spaces, and 482 spaces for bicycles. The Complex received Site Plan Approval.

The Application will divide the Property into two separate entities, using a stratified reference plan (the “**Reference Plan**”) which is composed of six sheets and a draft is attached as “**Schedule A**”.



For the purposes of the Application, the entities will be referred to by the order of their construction phasing, being either Phase 1 or Phase 2.

The Complex will include features such as driveways, ramps and drive aisles to access the garage, stairwells and elevators, lobbies, amenity areas, and mechanical and electrical systems. In order to allow each Entity to operate as a single entity, easements will be created to permit access in favour of the alternate Entity as outlined below. Moreover, the ongoing maintenance, operations and costs will be established between Phase 1 and Phase 2 using a Joint Use and Maintenance Agreement (“JUMA”).

## 2) Site Description

The Property is located at the southwest corner of the intersection of Ogilvie Road and Cummings Avenue within the Cyrville community of Ward 11 (Figure 1). The Property is municipally described as 1178 Cummings Avenue and is legally described as:

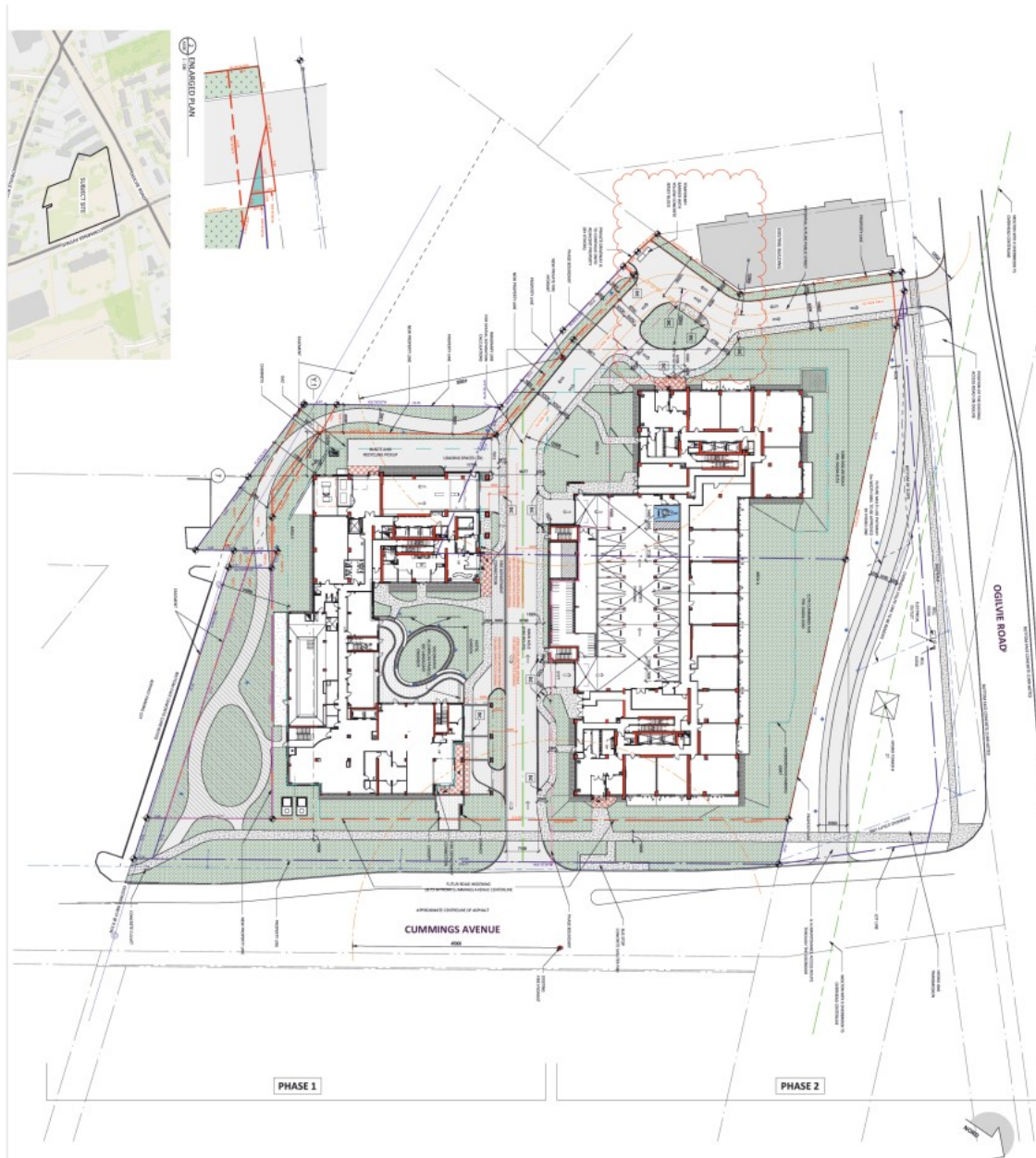
- **PIN 04264-0782:** Pt Lt 27, Con 2OF, Parts 14 & 16 On 4R34779; Together with An Easement as In GL85383; Subject to An Easement in Gross as In OC2572702; Subject to An Easement in Gross Over Pt 16 On 4R34779 As in OC2572704; Subject to An Easement as In OC2577421; City of Ottawa
- **PIN 04264-0779:** Pt Lt 27, Con 2OF, Pt Lt 26, Con 2OF, Parts 5, 7 & 10 On 4R34779; Together With An Easement As In CT155034; Together With An Easement As In NS262020; Subject To An Easement Over Pts 5 & 7 On 4R34779 As In CT224863; Subject To An Easement In Gross As In OC2572702; Subject To An Easement In Gross Over Pts 5 & 7 On 4R34779 As In OC2572703; Subject To An Easement As In OC2577421; City Of Ottawa
- **PIN 04264-0778:** Pt Lt 26, Con 2OF, Part 3 On 4R34779; Together with An Easement as In CT155034; Together with An Easement as In NS262020; Subject to An Easement Over Pt 3 On 4R34779 As in NS11419; Subject to An Easement in Gross as In OC2572702; Subject to An Easement as In OC2577421; City of Ottawa
- **PIN 04264-0787:** Part Lot 26, Concession 2 (Ottawa Front), Gloucester, Part 13 Plan 4R34779; Subject to An Easement as In N440754; Subject to An Easement as In LT730132; Subject to An Easement as In NS3927; City of Ottawa
- **PIN 04264-0785:** Part Lot 26, Concession 2 (Ottawa Front), Gloucester, Part 11 Plan 4R34779; Subject to An Easement as In N440754; Subject to An Easement as In LT730132; City of Ottawa



**Figure 1: Aerial image of the Property and surrounding context (source: GeoOttawa).**

In the new Official Plan, the Property is within the Inner Urban Transect on Schedule A and within the Hub on Schedule B2. The Property is also designated Area A by Schedule A of the Inner East Lines 1 and 3 Stations Secondary Plan.

The Property is zoned Transit Oriented Development-TD3[2643] S418 by Zoning By-law 2008-250.



**Figure 2: Site Plan-approved for Permit on May 17, 2023.**

The Complex received the Site Plan Control Approval on September 6, 2022 (City File No.: D07-12-20-0188).



### 3) Proposed Severances

The Owner's proposed severance consists of severing the Property into two distinct and transferable parcels/entities, being Phase 1 and Phase 2, for the purposes of financing. Given the interconnected nature of these entities, specific easements will be created over the driveway, ramp and drive aisles in favour of the residents, guests, workers and invitees of Phase 2 in order to allow access to the parking located on Phase 1 and vice versa. Additionally, a set of reciprocal blanket easements will be established to ensure access to building amenities (i.e., lobbies and pools) and systems (i.e., condensers, boilers, and stairwells), which will be jointly maintained by both entities. Maintenance and operational responsibilities will be outlined in a JUMA between the entities.

The following figures conceptualize the Application.



**Figure 3: Aerial View of the Proposed Development View from the East - Cummings Avenue.**



**Figure 4: Proposed Development View from a Pedestrian Point of View on Cummings Avenue.**



**Figure 5: Proposed Development View from the South - Cummings Avenue.**



**Figure 6: Proposed Development - View of the Central Driveway and the Garden.**



**Figure 7: Proposed Development View from Cummings Avenue Looking to the South.**



**Figure 8: Proposed Development View from the South - Michael Street North.**





A draft stratified Reference Plan with six sheets depicting horizontal and vertical cross-sections at various elevations has been prepared to describe the various Parts of the proposed Application. In total, 21 Parts are described in a series of 6 sheets.

#### 4) Proposed Easements

Per Table 1 below, the following sections will describe specific easements proposed for specific portions of the Complex. For clarity purposes, Phase 1 is identified in blue, and Phase 2 is identified in pink, as illustrated in Table 1. Current easements in place will remain in place.

Specific driveway easements:

1. Phase 1 will have access over Parts 3, 10, and 12, which are owned by Phase 2.
2. Phase 2 will have access over Parts 2, 7, 9, 13, and 15, which are owned by Phase 1.

24810-24		LUX Place		September 18, 2024
PART	PHASE	DESCRIPTION	EXISTING EASEMENT	ADDITIONAL REQUIRED EASEMENT
1	1	Tower and lands	OC2572702 (City Watermain), OC2577421 (Rogers)	N
2	1	driveway		Vehicular/Pedestrian Access for Phase 2
3	2	driveway		Vehicular/Pedestrian Access for Phase 1
4	2	Tower and lands		N
5	2	Stairwell		Pedestrian Access for Phase 1
6	2	Access to stairwell		Pedestrian Access for Phase 1
7	1	Ramp to garage		Vehicular/Pedestrian Access for Phase 2
8	2	Landscape	OC2572704 (Public Pedestrian Sidewalk Access), OC2572702 (City Watermain), OC2577421 (Rogers)	N
9	1	driveway		Vehicular Access for Phase 2
10	2	driveway	OC2572702 (City Watermain), OC2577421 (Rogers)	Vehicular Access for Phase 1
11	2	Tower and lands		N
12	2	driveway		Vehicular/Pedestrian Access for Phase 1
13	1	driveway		Vehicular/Pedestrian Access for Phase 2
14	1	Tower and lands		N
15	1	drive aisle	Vehicular/Pedestrian Access for Phase 2	
16	1	Tower and lands	N440754 (Transfer/Deed), LT730132 (Transfer/Deed)	N
17	1	Tower and lands	CT224863 (Culvert), OC2572703 (Pedestrian Access), OC2572702 (City Watermain), OC2577421 (Rogers)	N
18	1	Tower and lands		N
19	1	Tower and lands	NS3927 (Culvert), N440754 (Transfer/Deed), LT730132 (Transfer/Deed)	N
20	1	Tower and lands	NS11419 (Expropriation), OC2572702 (City Watermain), OC2577421 (Rogers)	N
21	1	Landscape	OC2572704 (Public Pedestrian Sidewalk Access), OC2572702 (City Watermain), OC2577421 (Rogers)	N

**Table 1: Summary of Parts on the draft Reference Plan**

Reciprocal blanket easements:

Additional blanket easements will be registered on title to both Phase 1 and Phase 2 to allow for access to and the shared use of the following amenities between the two phases:

Phase 1:



Room number	Description
UP302	Air Output for Phase 1
UP202	Air Output for Phase 1
UP102	Air Output for Phase 1
UP140	Telecom Room for Phase 1 Interconnected with Phase 2
UP117	Pool Mechanical Room for Phase 1 shared with Phase 2
UP120	Fire Pump Phase 1 and Phase 2
UP109	Mechanical Heating Room Phase 1 and Phase 2
UP103	Heat Pump for both Phases
UP112	Mechanical Heating Room for both Phases
UP113	Emergency Electrical Room for both Phases
UP114	Non-Essential Emergency Electrical Room for both Phases
UP121	Water Entry for both Phases
UP147	Electrical Entrance for both Phases
UP125	Cold Room for Bar
112	Generator + tank for both Phases
115	Training Room
124	Pool (indoor)
123	Yoga Room
128	Multi-purpose Room
131	Bar and Coffee Area
133	Prep Room
139	Lounge
140	Lounge Entrance
outside	Courtyard
U3602	Mechanical Room
U3603	Mechanical Room
Roof	Mechanical Equipment on the Roof
Stairwell	Stairwell
UP 105	Pet Relief Area
UP 313	Carwash

Phase 2:

L125	Visitor Parking
L224	Lounge
X222	Unisex Washroom



X220	Training Room
Outside	Outdoor Pool with Terrace

As previously stated, the owner intends to enter into a JUMA to manage the maintenance, usage, cost and relationship of the amenities between the two phases. For example, rooms described above under the ownership of Phase 1 will be available for access, maintenance and usage, as the case may be, for the residents of Phase 2 and vice versa.

### 5) Compliance with Zoning By-Law

The Property is zoned Transit Oriented Development-TD3[2643] S418 by Zoning By-law 2008-250.

This Zoning By-Law prohibits a limited number of uses, provides minimum and maximum building heights, and a maximum number of parking spaces; none of these provisions affect the proposed Application. At the time of Site Plan approval in September 2022 the entirety of the Property and Complex complied with all provisions of the Zoning By-law.

Provision	Required	Compliance	Provision Location
Minimum lot area	No minimum	✓	Table 195
Minimum lot width	No minimum	✓	Table 195
Minimum front yard and corner side yard setback	(i) abutting a lot in a residential zone: 3 metres  (ii) abutting the rapid transit corridor: 2 metres  (iii) parking garage that is not incorporated into another building: 10 metres  (iv) residential use building: 3 metres  (v) all other cases: 0.5 metres	✓	Table 195



Minimum interior side yard setback	(i) abutting a lot in a residential zone: 3 metres  (ii) abutting the rapid transit corridor: 2 metres  (iii) all other cases: no minimum  (iv) despite (i), (ii) and (iii) above that part of a building more than 6 storeys in height: 12 metres	✓	Table 195
Minimum rear yard setback	(i) rear lot line abutting a lot in a residential zone: 6 metres  (ii) rear lot line abutting the rapid transit corridor: 2 metres  (iii) all other cases: no minimum  (iv) despite (i), (ii) and (iii) above that part of a building more than 6 storeys in height: 12 metres	✓	Table 195
Minimum building height	6.7 metres and 2 storeys	✓	Table 195
Maximum building height	(i) in any area up to and including 15 metres from a property line abutting	✓	Table 195



	<p>a R1, R2 or R3 zone:          14.5 metres</p> <p>(ii) in all other cases:          as shown by the          suffix “H” on a          zoning map, or          specified in a          subzone or exception          where applicable</p>		
Minimum width of landscaped area	no minimum, except that where a yard is provided and not used for required driveways, aisles, parking, loading spaces or outdoor commercial patio, the whole yard must be landscaped	✓	Table 195
Outdoor storage	Prohibited	✓	TD Zone
where the wall of the 1st storey of a building is within 10 metres of a lot line abutting a public street and where the building is more than 6 storeys in height the wall facing the street must be stepped back at either the 2nd, 3rd, 4th , 5th , 6th or 7th storey at least a further 2.5 metres from the wall of the storey below		✓	TD Zone
where two buildings on the same lot are both more than 6 storeys in height that		✓	TD Zone



part of the buildings greater than 6 storeys tall must be a minimum of 24 metres away from each other			
for lots greater in area than 1250 m <sup>2</sup> , 2% of the total lot area must be provided as outdoor communal space located at grade anywhere on the lot and such area can also be used towards complying with any amenity area requirements		✓	TD Zone
Column III of Table 103 - Maximum Number of Parking Spaces Permitted in Section 103 applies to all land zoned TD despite the location of the land on Schedules 1, 2A and 2B. (By-law 2016-336)	(a) Apartment Dwelling; Mid Rise, Apartment Dwelling, High Rise, and Apartment Dwelling, Low Rise (By-law 2014-292: 1.75 per dwelling unit (combined total of resident and visitor parking)  (b) Dwelling Units, in the same building as a nonresidential use: 1.75 per dwelling unit (combined total of resident and visitor parking)	✓	TD Zone
in the TD Zone parking spaces required or provided under this by-law		✓	TD Zone



<p>may be available for use by any other land use located either on or off site, but these spaces are not intended to serve as the required parking for these other land uses</p>			
<p>The following provisions apply to lots abutting active frontage street areas shown as Area A on Schedules 293, 294 and 295, 314, 315 and 316</p>	<p>(a) minimum building setback from an active frontage street on:</p> <ul style="list-style-type: none"><li>(i) Schedule 293<ul style="list-style-type: none"><li>1. residential use building: 3.0 metres,</li><li>2. non-residential and mixed use building: 1.5 metres,</li></ul></li><li>(ii) Schedules 294, 295, 314, 315 and 316 (OMB Order File #PL140185, issued March 9, 2015) (By-law 2014-22)<ul style="list-style-type: none"><li>1. residential use building: 3.0 metres,</li><li>2. non-residential and mixed use building: 0.5 metres,</li></ul></li></ul> <p>(b) maximum building setback from an active frontage street on:</p>	<p>✓</p>	<p>TD Zone</p>



	<p>(i) Schedule 293: 6.0 metres</p> <p>(ii) Schedules 294, 295, 314, 315 and 316 (OMB Order File #PL140185, issued March 9, 2015) (By-law 2014-22)</p> <p>1. residential use buildings: 6.0 metres</p> <p>2. non-residential and mixed use building: 3.0 metres,</p> <p>(c) at least 50% of the lot width measured at the building setback along the active frontage street must be occupied by one or more building walls,</p> <p>(d) a minimum of 50% of the surface area of the ground floor façade of non-residential and mixed use buildings facing an active frontage street must be comprised of transparent glazing,</p> <p>(e) the ground floor façade of non-residential and mixed use buildings facing</p>		
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	<p>an active frontage street must include a customer entrance access door from each individual occupancy to the active frontage street,</p> <p>(f) no person may park a motor vehicle in a required and provided yard abutting an active frontage street</p>		
<p>Despite the list of permitted residential uses, where the zoning on a lot is accompanied by an H suffix, schedule or exception that restricts building height to less than 30m or to fewer than ten storeys on the entire lot, the use Apartment Dwelling, High Rise is a prohibited use on that lot</p>		✓	TD Zone
<p>Despite the list of permitted residential uses, where the zoning on a lot is accompanied by an H suffix, schedule or exception that restricts building height to less than 15m or to fewer than five storeys on the</p>		✓	TD Zone



entire lot, the use Apartment Dwelling, Mid Rise is a prohibited use on that lot			
minimum number of residential units per hectare required for residential use	(i) on lots greater in area than 0.125ha: 350 units/hectare  (ii) on lots 0.125ha in area or less: no minimum	✓	TD3 Subzone
minimum floor space index for non-residential use	(i) on lots greater in area than 0.125ha: 1.5 f.s.i. (ii) on lots 0.125ha in area or less: no minimum	✓	TD3 Subzone
in the case of a mixed use building clauses, the minimum number of residential units per hectare required and the minimum floor space index for non-residential use only apply to the corresponding use that occupies the larger portion of the gross floor area of the building and the smaller use, either, residential or non-residential, is not calculated		✓	TD3 Subzone
in the case of a phased development all phases must be shown on a site plan approved pursuant to	each phase must comply with: (i) the minimum densities as per 196(3) (a), (b) and (c), and (ii) the	✓	TD3 Subzone



Section 41 of the Planning Act	outdoor communal space as per 195(8) but only for the portion of the property shown in that phase		
subclause (g)(i) of Table 195 applies and in all other cases the maximum building height is: 90 metres (By-law 2012-406)		✓	TD3 Subzone

Both entities will comply with the provisions of the Transit Oriented Development-TD3[2643] S418 zone.

**6) Land Use Planning Framework**

**A) The *Planning Act*, R.S.O. 1990, c. P.13 (the “Planning Act”)**

In Ontario, the Planning Act is used for regulating land use planning. Specifically, subsection 51(24) states that consideration shall be had for a list of criteria when approval authorities consider a severance application. The following section will consider those criteria and demonstrate that they are either not applicable or reasonably addressed by the current Application.

- a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The Application is consistent with the matters of provincial interest found in section 2 of the Planning Act and will not result in adverse impacts on those matters.

- b) *whether the proposed subdivision is premature or in the public interest;*

The Property received Site Plan approval from the City of Ottawa in September 2022. Construction has been underway since then and one tower is almost complete. The parts described by the draft Reference Plan are based on the current as-built condition of the Complex. The Application is not premature and will facilitate the future management and maintenance of the Complex.

- c) *whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*



The proposed Application conforms to the Official Plan (including secondary plan) and adjacent plans of subdivision. There is no new physical development planned as part of the Application.

d) *the suitability of the land for the purposes for which it is to be subdivided;*

The suitability of the Property for the development of the Complex as a residential complex was determined through earlier Official Plan and Zoning By-law Amendment applications. These applications were approved and amended the City's policy framework to support the building and land uses.

*d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

The Application does not propose affordable housing units.

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;*

No streets or other features are proposed in this Application. Items such as elevations, grades, and the adequacy of transportation infrastructure were appropriately addressed in the preceding Site Plan Control application.

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

The proportions and dimensions of the suggested lots are reasonable and suitable, as they correspond to the current circumstances and usability of the Property.

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;*

Given the interconnected nature of the entities, a set of easements will be established to ensure access to building amenities (i.e., lobbies and pools) and systems (i.e., condensers, boilers, and stairwells), which will be jointly maintained by both entities to ensure the Complex continues to operate as a single Entity. Maintenance and operational responsibilities will be outlined in a JUMA between the entities.

h) *conservation of natural resources and flood control;*



The Application is not expected to effect any adverse impacts relating to flood control or natural resources.

i) *the adequacy of utilities and municipal services;*

The Property is located within the City's Urban Policy Area where full municipal services are available and understood to be utilized by the Complex.

j) *the adequacy of school sites;*

The Application will not affect the demand for school sites. The Complex is already under construction and obtained Site Plan approval.

k) *the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;*

No additional portion of the Property must be conveyed for public highways or other public purposes. Portions have already been conveyed in accordance with the Site Plan Agreement from the Owner to the City of Ottawa, such as:

- unencumbered land, at no cost to the City, being Parts 4, 8, 9, 12 and 15 on Plan 4R-34779, for public park and multi-use pathway purposes;
- a permanent easement with the right and licence of free, uninterrupted, unimpeded and unobstructed public pedestrian sidewalk access over Part 16 on Plan 4R-34779; and
- an easement for public multi-use pathway access purposes along the southwest limits of the site, described as Parts 5, 6 and 7 on Plan 4R-34779, to the satisfaction of the City and at no cost to the City.

l) *the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

The building is being built in compliance with the Ontario Building Code.

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



The development of the Complex is subject to site plan agreements registered on title. The items outlined in Section 51(24) of the Planning Act are appropriately addressed by the Application, and a Plan of Subdivision is not warranted or required to enable the severance of the Property.

## **B) The Provincial Policy Statement**

The Provincial Policy Statement (the “PPS”) provides policy direction on matters of provincial interest related to land use planning and development across the province of Ontario. Specifically, sections 1.1.1 and 1.1.3.2 of the PPS assert that planning shall:

- Promote efficient land use and development patterns sustaining municipal and provincial financial well-being over the long term;
- Accommodate a reasonable range and mix of land uses without compromising environmental or public health and safety concerns; and
- Establish land use patterns based on densities and a mix of land uses which efficiently use infrastructure and public service facilities.

The Application will not affect the range and mix of established land uses, nor will it affect infrastructure or the provision of public service facilities. In fact, the proposed severance will facilitate the efficient use of land and resources. Therefore, the Application is consistent with the policies of the PPS.

## **C) Official Plan**

This section provides a brief overview of the proposed Application’s conformity with the Official Plan.

### **1) The Official Plan**

The Property is within the Inner Urban Transect on Schedule A and Hub on Schedule B2 of the Official Plan. The Property is also designated Area A by Schedule A of the Inner East Lines 1 and 3 Stations Secondary Plan and is within a Protected Major Transit Station Area (PMTSA) on Schedule C1.

Section 6.1 of the Official Plan states that: *“The planned function of Hubs is to concentrate a diversity of functions, a higher density of development, a greater degree of mixed uses and a higher level of public transit connectivity than the areas abutting and surrounding the Hub.”*



Section 11.5 of the Official Plan provides directions to the Committee of Adjustment processes. Specifically, with regards to this Application, policies 4 and 5 declare that:

*“4) In support of Subsection 5.2.4, Policy 1 b) and c) and Subsection 5.3.4, Policy 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.*

*5) The Committee of Adjustment shall consider strata severance applications, for both vertical and horizontal division, as it is authorized to do according to the Planning Act. Strata severance applications shall be assessed according to planning principles applicable to severances.”*

The Official Plan explicitly allows the Committee of Adjustment to approve stratified severances, provided the development’s outward appearance aligns with the planned context. This alignment with the planned context was validated through the Site Plan Control process application.

The Official Plan aims to concentrate various residential, commercial, and office uses within walking distance of high-order transit infrastructure. This strategy is designed to encourage residents, employees, and customers to adopt active transportation methods, promoting an urban environment that enhances quality of life without reliance on private vehicles.

Although the Application is classified as development under the Planning Act, it will not alter the built form or functionality of the development in relation to the public realm and the Official Plan policies. In fact, there are no changes suggested to the Site Plan approval granted in 2022. Rather, the Application will support the organized operation and maintenance of the Complex within a clear and sustainable legal framework. The Application is consistent with the Official Plan.

## **2) The Inner East Lines 1 and 3 Stations Secondary Plan**

The Inner East Lines 1 and 3 Stations Secondary Plan provides policies on maximum building heights and minimum densities within the planning areas, which goal is to achieve transit-supportive development densities over the long term. The purpose of requiring minimum densities is to ensure that development with increased densities can arise in context-sensitive areas at the time market pressure for density exists. Additionally, this plan implements zoning which will provide flexibility by allowing existing constructed uses of land to be expanded and reconstructed at densities inferior to the minimum densities outlined in this secondary plan.

The Property is designated Area A by Schedule A of the Inner East Lines 1 and 3 Stations Secondary Plan. Schedule A demonstrates that Area A has a maximum height of 30 storeys and a minimum density of 350 units per net hectare for residential and/or 1.5 floor space index for non-



residential. The Application is consistent with the Inner East Lines 1 and 3 Stations Secondary Plan and will facilitate the operation and maintenance of the Complex with a clear legal framework.

### **3) Zoning By-Law**

The Property is zoned Transit Oriented Development-TD3[2643] S418 by Zoning By-law 2008-250. The purpose of the Transit Oriented Development Zone is to:

*“(1) Establish minimum density targets needed to support Light Rail Transit (LRT) use for lands within Council approved Transit Oriented Development Plan areas;*

*(2) Accommodate a wide range of transit-supportive land uses such as residential, office, commercial, retail, arts and culture, entertainment, service and institutional uses in a compact pedestrian-oriented built form at medium to high densities;*

*(3) Locate higher densities in proximity to LRT stations to create focal points of activity and promote the use of multiple modes of transportation; and,*

*(4) Impose development standards that ensure the development of attractive urban environments that exhibit high-quality urban design and that establish priority streets for active use frontages and streetscaping investment.”*

As shown above, the Application conforms with all the provisions of the Transit Oriented Development Zone.

### **Conclusion**

The Application is consistent with the PPS and the policies of the Official Plan. The Property conforms with the Zoning By-Law, and the Application will facilitate the orderly operation and maintenance of the Complex with a clear legal framework.

Please find attached the following documents to complete the Application:

1. Completed and signed application forms;
2. Parcel Abstract for the PINs;
3. Draft Reference Plan;
4. Tree Conservation Report V2.0 from Dendron Forestry Services; and
5. The application fee.





PERLEY-ROBERTSON, HILL & McDOUGALL LLP/s.r.l.

25  
Michel Bellemare  
February 12, 2025

Please do not hesitate to contact me should you have any questions or concerns.

Yours very truly,

Anne-Marie Magneron

339: ds