

Summary of Written and Oral Submissions

Zoning Provisions for High-Rise Buildings

Note: This is a draft Summary of the Written and Oral Submissions received in respect of Zoning Provisions for High-Rise Buildings and Amendment to Correct an Anomaly in the GM-General Mixed-Use Zone Concerning High-Rise Buildings (ACS2019-PIE-EDP-0026), prior to City Council's consideration of the matter on October 9, 2019.

The final Summary will be presented to Council for approval at its meeting of October 23, 2019, in the report titled 'Summary of Oral and Written Public Submissions for Items Subject to the *Planning Act* 'Explanation Requirements' at the City Council Meeting of October 9, 2019'. Please refer to the 'Bulk Consent' section of the Council Agenda of October 23, 2019 to access this item.

In addition to those outlined in the Consultation Details section of the report, the following outlines the written and oral submissions received between the publication of the report and prior to City Council's consideration:

Number of delegations/submissions

Number of delegations at Planning Committee: 2

Number of written submissions received by Planning Committee and Council between September 16 and October 9, 2019 : 5

Primary reasons for support, by individual

- **None provided**

Primary concerns, by individual **Brian Casagrande, Fotenn Consultants Inc., representing the following four clients** (oral and written submissions)

- Richcraft Homes: identified site specific concerns for the property at 19 Centrepointe Drive, and also opposed the whole of the proposed provisions with respect to their broad development interests in the City of Ottawa:
 - ❖ when 19 Centrepointe Drive had been originally rezoned for high rise development, the setback was 3.5m; given that the lands abut a hydro transformer station and are adjacent to a high school playing field, a 10m setback is not warranted and would effectively take away all of Richcraft's development rights on this property
 - ❖ question the need for minimum lot sizes when minimum setbacks are already regulating key objectives related to tower separation

- ❖ despite concerns raised, staff are not willing to propose adjustments to the regulations and have instead preferred that in such situations, owners seek to amend the proposed performance standards on a site specific basis when redevelopment is anticipated; this concerns the client because it may be the only trigger for a future zoning amendment to accommodate high rise built form, and if other provisions need to be amended it would serve to make such an application more challenging from an approvals perspective
- ❖ request that the high-rise zoning provisions be revised to specifically note that the proposed tower setback requirements may be proportionately reduced when the zoning of adjacent lands are such that a 20 metre tower separation can be ensured between high rise development on the two properties either due to existing zoning, a legally binding development restriction, heritage restrictions, or the existence of a low to mid-rise condominium development
- ❖ recommend that any minimum lot size requirements be removed as they are redundant, given the other performance standards, and unnecessarily restrict options of high rise built form where smaller, less traditional, building footprints may be appropriate and would still achieve the tower separation objectives
- Surface Developments: identified site specific concerns for the property at 2046 and 2050 Scott Street, and also opposed the whole of the proposed provisions with respect to their broad development interests in the City of Ottawa:
 - ❖ a highrise is contemplated at the property, which is across from a transit station, and would be supported by existing policies within the Provincial Policy Statement, the City of Ottawa Official Plan, and the Richmond Road Secondary Plan;
 - ❖ a mid-rise condo building is to the west of the property and, given it is newly built, it will likely never be redeveloped, so a 10m setback would not be warranted (a 2.5m would be more appropriate); a curling club rink is located to the east of the property and there is potential to negotiate air rights, and the property owner would be looking for fair compensation

- ❖ confused as to why minimum lot size requirements are being put on properties for high rise buildings when setbacks themselves already dictate the built form; as long as you get the 20m separation between the towers, which is the principle objective, then you are checking the box of what the zoning is trying to accommodate
- ❖ request that the high-rise zoning provisions be revised to specifically note that the proposed tower setback requirements may be proportionately reduced when the zoning of adjacent lands are such that a 20 metre tower separation can be ensured between high rise development on the two properties either due to existing zoning, a legally binding development restriction, heritage restrictions, or the existence of a low to mid-rise condominium development
- ❖ recommend that any minimum lot size requirements be removed as they are redundant, given the other performance standards, and unnecessarily restrict options of high rise built form where smaller, less traditional, building footprints may be appropriate and would still achieve the tower separation objectives
- DOV Capital Corporation: could not disclose the property location at this time but did acknowledge the property is located within 450m of a rapid transit station and abuts an expansive, passive open space, with existing zoning policies that fully support high rise intensification:
 - ❖ the abutting lands, by their nature, have limited development potential; despite concerns raised, staff are not willing to propose adjustments to the regulations and have instead preferred that in such situations, owners seek to amend the proposed performance standards on a site specific basis when redevelopment is anticipated; this concerns the client because it may be the only trigger for a future zoning amendment to accommodate high rise built form, and if other provisions need to be amended it would serve to make such an application more challenging from an approvals perspective
 - ❖ enforcing these provisions on this property would be taking away their development rights by stipulating a rear yard setback that will never be warranted

- ❖ requested that the high-rise zoning provisions be revised to specifically note that the proposed tower setback requirements do not apply to a yard that abuts Open Space zoning
- Uniform Developments: opposed the whole of the proposed revisions with respect to their development interests at 335 Roosevelt and several jointly owned abutting lots, as well as with respect to their broad development interests in the City of Ottawa
 - ❖ the subject lands are located very close to the Dominion rapid transit station, which is planned to be included in the next Phase of LRT expansion and is within an area where existing policies within the Provincial Policy Statement and the City of Ottawa Official Plan would fully support high rise intensification; these lands also abut transit corridor lands to the north where high rise development cannot realistically be anticipated
 - ❖ despite concerns raised, staff are not willing to propose adjustments to the regulations and have instead preferred that owners seek to amend the proposed performance standards on a site specific basis when redevelopment is anticipated; this approach is concerning the client as it may be the only trigger for a future zoning amendment to accommodate high rise built form and if other provisions need to be amended it would serve to make such an application more challenging from an approvals perspective
 - ❖ request that the high-rise zoning provisions be revised to specifically note that the proposed tower setback requirements may be proportionately reduced when the zoning of adjacent lands are such that a 20 metre tower separation can be ensured between high rise development on the two properties either due to existing zoning, a legally binding development restriction, heritage restrictions, or the existence of a low to mid-rise condominium development
 - ❖ recommend that any minimum lot size requirements be removed as they are redundant, given the other performance standards, and unnecessarily restrict options of high rise built form where smaller, less traditional, building footprints may be appropriate and would still achieve the tower separation objectives

Julie Carrara, Fotenn, on behalf of, Gilad Properties (oral and written submissions)

- identified site specific concerns for impacts of proposed zoning on the properties at 180 and 190 Besserer Street:
 - ❖ concerns with applying the high-rise zoning provisions to wide and shallow corner properties located inside the Greenbelt but outside the Mixed-Use Downtown (MD) Zone; the proposed interior side yard and rear yard tower setback of 10m could be difficult to achieve on lots that well exceed the proposed minimum lot area
 - ❖ the subject property was formerly deeper, but the City expropriated land to make the Besserer Street Right of Way wider; it is almost double the proposed minimum lot area for high-rise development on corner lots
 - ❖ existing policy and regulatory context does not permit a high-rise building on the subject property, but a number of factors suggest that high-rise development is appropriate at this location, including: there are several high-rise buildings in close proximity; its location within 400m of a rapid transit station; its frontage along an arterial road; the fact that it is not subject to an angular plane (per OP policy regarding the Central Area maximum building heights and angular planes)
 - ❖ a bar building could be appropriate on this wide and shallow site, recognizing that the Urban Design Guidelines for High-rise Buildings note that the maximum height of a bar building should be 12 stories or 1.5 times the width of the street it faces, whichever is less
 - ❖ given the characteristics of the subject property, the existing context of the surrounding area, and the direction of the Urban Design Guidelines for High-rise Buildings, Gilad requests that the existing site-specific zoning for the subject property be revised to note that the proposed high-rise requirements only apply when a building greater than 12 stories is proposed on the subject property, noting that a planning application, including a Zoning By-law Amendment, would be required to permit such a building in future

Michael Casey, Gilad Properties (oral submission)

- indicated they have owned the property at 180 and 190 Besserer Street for a number of years and have attempted to work with the University of

Ottawa to create student housing; the proposed changes eliminate the development potential of the site

- acknowledged the desire to establish setbacks for towers is needed, but also suggested there are unique areas that have to be dealt with separately

Lucas Shahrsebi, President, TKS Holdings Inc. (written submission)

- concerns about the impact on their property at 264 Rideau Street, specifically the proposed minimum interior side yard setback for a (7.5m) tower, which would apply without any regard to the existing condition and context; requested exemption from the proposed provisions to avoid significant negative consequences to the redevelopment potential of the lands
 - under current zoning, the property can accommodate two towers with a 0m interior side yard setback, while still providing a 16m building separation to the second tower on the property; this form of development is appropriate and desirable given the existing context of this segment of Rideau Street, including the blank wall condition on adjacent properties, and given the location of the property in an area that requires residential intensification to support ridership while contributing to vibrant streets and neighbourhoods
 - the proposed zoning provision, if applied without modification to 264 Rideau Street, will not achieve their objectives of maintaining access to light in public and private places, maintaining privacy for occupants of the buildings, preserving public and sky views, and ensuring the responsibility for tower separation distance is not unfairly placed on a single property owner

Effect of Submissions on Planning Committee Decision: Debate: The committee spent 45 minutes on the item

Vote: The committee considered all written and oral submissions in making its decision and carried the report recommendations without change

Effect of Submissions on Council Decision:

Council considered all written and oral submissions in making its decision and CARRIED the item as presented, without change to the report recommendations.