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14-1344-TER

March 3, 2015

Ms. Heather MacLean
Secretary-Treasurer
Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive, 4th Floor
Ottawa, ON
K2G 5J7



Re: 1131 Teron Road
Application for Minor Variance

Dear Ms. MacLean:

Attached please find the submission for the minor variance application of the above noted site, which includes the following;

- 1 original and 2 copies of the application forms for minor variance,
- Cheque in the amount of \$2,063.00,
- 4 full size copies and 1 reduced copy of the following plans;
 - Survey Plan, January 6, 2011,
 - Kanata Development Study, June 25, 2013,
 - Site Plan, A-050, February 20, 2015,
 - Floor Plans Phase II, A-110, February 20, 2015,
 - North, East and West Elevations Phase II, A-141, February 17, 2015,
 - South Elevation Phase II, A-142, February 17, 2015,
 - Exterior Perspectives, A-150, November 21, 2014,
 - Sun Shadow Studies, A-151, November 21, 2014,
 - 3D Massing Revised Zoning, September 16, 2014,
 - Floor Plans with 6m Setback – Phase II, A-111, February 23, 2015,
- Site photos.

Our Client, Marchview Development Ltd. proposes to vary the zoning bylaw as it affects one of the two proposed buildings on this site. The affected building is the proposed 9 storey apartment dwelling, mid-rise. The other building, the apartment dwelling, low-rise would comply with all zoning provisions.

Teron Road operates as a two way undivided roadway with a widened asphalt driving surface and a painted cycling lane in both directions. Sidewalks extend along the entire south side of Teron Road and along the part of the March Road frontage. A sidewalk along the Teron Road property frontage will be installed as part of the future site plan control application.

The front lot line is considered the front lot line (28.77m).
The Subject Property consists of a rectangular parcel of land along the east side of Teron Road and a large triangular parcel of land wedged between Teron Road and March Road. The property is located in a neighbourhood known as the Beaverbrook Community within the former City of Kanata. The Subject Property is approximately 1.48 hectares in area. It is currently occupied by a single storey 90m² commercial office building located on the rectangular portion only. The larger triangular portion remains empty.

There are two hydro-electric overhead lines along the northern edge of the Subject Property. These lines run parallel to March Road. The lines and towers are owned by Hydro-One and are protected through significantly wide easements. The easements take up the majority of the acreage of the property. The development is proposed to be built on the 0.66 hectare patch of land that is not protected by the easement, between Teron Road and the southerly edge of the easement. This creates a rather shallow depth of developable lot area and thus results in a hardship to accommodate the 6.0m corner side yard setback along the longest of the 3 sided triangle of developable land.

Surrounding uses include commercial office and light industrial along both the east side of March Road and at the northwest corner of Teron Road and March Road, and mature multi-family dwelling developments along the east and west sides of Teron Road to the south/southeast of the Subject Property.

The subject triangular portion of 1131 Teron Road is legally described as:

Part of Lot 5, Concession IV, former Geographic Township of March, former City of Kanata, now in the City of Ottawa, PIN 045140316. The Surveyor's Real Property Report (plan) is attached.

From 2011- 2014 the proposals for this property were presented to the community association 6 times and revised as many times with the aid and input from their Development Committee. The final proposal that came out of this process is the one that is being submitted today. It includes a single 9 storey apartment tower, which begins at 3 storeys and staircases up from the street to create a transition. There is a generous open space area and many provisions for landscaping in the proposal to reflect the existing community pattern for apartment buildings in the adjacent Beaverbrook Community.

The building has been designed so that the ground floor to third floor has the largest footprint. The building tapers back along the façade that is facing Teron Road, creating the profile of an angled façade that transitions from 3 storeys to 5 storeys, and then up to the full nine storeys. This was done to come as close as possible to a 3:1 ratio with the surrounding buildings as emphasized in the Official Plan and to create a softer edge along Teron Road. The building was also designed to have a saw-tooth pattern fronting along Teron. The saw-tooth creates a gentler façade and transition from the

street created in part by significant landscaping within the indents of the buildings edge. This is consistent with the significant landscaping that is prevalent along Teron Road for other multi-family developments. Along the east side, adjacent to the existing townhouses within the Bethune Condominium, the building was stepped back to provide a setback of approximately 10m to the property line. This design was supported by Planning Staff through the Zoning Amendment process.

The shape of the Subject Property (developable portion) and the size of the hydro easement create a fairly small building footprint but an opportunity to design a uniquely shaped building with many articulated plans using the sawtooth pattern. This design creates an interesting streetscape and exterior for the building. The main lobby and some of the visitor parking has been located conveniently close to Teron Road, all of this aiming to connect the building to the street edge without dominating the lot line (corner side lot line) abutting Teron Road.

During the zoning bylaw amendment application process, City Staff worked with the proponent to arrive at a supportable concept and resulting draft bylaw. This bylaw was presented to Planning Committee on June 10, 2014 with a supporting report from City Staff. Planning Committee made a couple of adjustments to the draft bylaw which had been agreed to by the proponent in a further effort to appease the area residents and Ward Councillor. However these changes did not include a larger corner side yard setback from what had been agreed to with City Staff at 3m.

Unfortunately at the Council meeting on June 25, 2014 where the Committee recommendation was considered, the Ward Councillor was successful in convincing the majority of City Councillor to impose an increase of the corner side yard setback to 6m. This has a dramatic negative impact on the development is illustrated on the attached concept design plans. Since that time, the proponent has evaluated the impact of this increase in setback and has arrived at a conclusion, supported by his design and planning experts, that this is too onerous to the future development of the subject property.

The existing bylaw rezones the subject property as R5A[2144]S237 and O1[2143]. The area where the proposed buildings are to be located has the residential zoning while the large common open space has the open space zoning. Schedule 237 to the Bylaw introduces the building envelop for the various building heights. The impact of the increase in corner side yard setback is clearly illustrated on the Schedule.

To be specific, the section of the bylaw that is affected by the minor variance request is Exception Number 2144, which sets the minimum corner side yard setback at 6m. This setback is an exception because it is higher than the minimum that is set out for a Planned Unit Development in the Table 164A.

The standard apartment dwelling setbacks are:

- Minimum front yard setback of 6.0 metres
- Minimum corner yard setback of 4.5 metres
- Minimum interior side yard setback of 7.5 metres
- Minimum rear yard setback of 7.5 metres

This application is requesting a change in the corner yard setback from 6m to 3m to allow the building to retain the sawtooth edge against Teron Road. This setback would affect the 3 storey and the 5 storey portions of the building (areas C, B and D) and not the tower section (section A) on Schedule 237.

The minor variance request deals only with the triangular 9-storey building. The 3-storey rectangular building that will be built in Phase I will respect the 6m setback and act as a transition in setbacks along Teron Road as desired by the local residents and Ward Councillor.

The plans for the proposed development are included in this submission. Included is a development concept (landscape concept) with a 3.0m setback along Teron Road, Site Plan, Floor Plans, Elevations, Exterior Perspectives, and the Sun Shadow Study, 3D Massing, and Floor Plans with 6m Setback.

The intention of the building design is to create an updated and modern entrance to the Beaverbrook community. The building design was created through substantial input from community. The zoning issued on the property was very specific to the building plans generated alongside the Development Committee and submitted with the zoning proposal. The change in setback that occurred has had unintended negative effects on this collaborative design of the building.

There are several features of the building design that are vital in creating the feeling of a transition from the older lower rise community into the higher density of the building. The key integration elements of the structure are its orientation parallel to the hydro lines, the transitional height sections, and the sawtooth pattern building façade along Teron Road. This pattern creates many additional opportunities for landscaping to soften the impact along the street edge, as well as a direct connection of the building's front lobby easily accessible to the public sidewalks on Teron Road.

Due to the unique positioning of the building and the restrictions placed on the property by the easement, the change in setback has had the unintended effects of making the 3 storey section of the property not feasibly constructible and making it difficult to maintain the sawtooth pattern against the street edge. Many efforts have been made by our team to adjust the design of the building to fit within these constraints, however the triangular form and the small size of the zoning areas have made it difficult to rectify.

We also recognize the importance of offsetting the loss of setback by adding significant landscape features along the front of the building. These features will also provide privacy to our residents, and are desirable for both the community and the development. The variance will allow the intentions of the architect of this building to be fully realized, and allow the building to be an interesting and important structure for the surrounding community.

From a policy perspective, the minor variance would maintain the intent and purpose of the Official Plan. The three main issues at play in this minor variance application deal with building setback, building design, and neighbourhood integration. After carefully reviewing the 2014 Provincial Policy Statement, it does not deal with any of these three

issues. Therefore we can say that as the variance is not relevant, and the PPS can be considered satisfied.

After thoroughly researching the City of Ottawa Official Plan, including the policies adopted through OPA #150, there are several relevant sections that deal with setback, design and building integration. The relevant sections are excerpted below:

Section 2.5.1 – Designing Ottawa

Introducing new development and higher densities into existing areas that have developed over a long period of time requires a sensitive approach and respect for a community's established characteristics

Development of large areas of undeveloped land or redevelopment of brownfield sites provides opportunity to create new communities. This Plan provides guidance on measures that will mitigate differences between existing and proposed development and help achieve compatibility of form and function. Allowing for some flexibility and variation that complements the character of existing communities is central to successful intensification. [Amendment #76, OMB File #PL100206, August 18, 2011 & September 07, 2011]

In general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, can enhance an established community through good design and innovation and coexists with existing development without causing undue adverse impact on surrounding properties. It 'fits well' within its physical context and 'works well' with the existing and planned function. Generally speaking, the more a new development can incorporate the common characteristics of its setting in the design, the more compatible it will be. Nevertheless, a development can be designed to fit and work well in a certain existing context without being 'the same as' the existing development. Planned function refers to a vision for an area which is established through a community design plan or other similar Council-approved planning exercise, or the Zoning By-law. The planned function may permit development that differs from what currently physically exists; addressing compatibility will permit development to evolve toward the achievement of that vision while respecting overall community character.

And;

Design Objectives and Principles

The Design Objectives of this Plan listed below are qualitative statements of how the City wants to influence the built environment as the city matures and evolves. These Design Objectives are broadly applicable, to plans and development in all land use designations, and from a city-wide to a site-specific basis.

Design Principles further describe how the City hopes to achieve each of the Design Objectives, but may not be achieved or be achievable in all cases.

Proponents are free to respond in creative ways to the Design Objectives and are not limited only to those approaches as suggested in this Plan.

Within Section 2.5.1, various Design Objectives are outlined to guide development, of which the following principles are considered most applicable to the proposed development:

1. *To enhance the sense of community by creating and maintaining places with their own distinct identity.*

The proposed development would create a place that has its own distinct identity, appropriate for the periphery of the Beaverbrook Community adjacent to the employment lands and uses at the Teron/March Road intersection.

4. *To ensure that new development respects the character of existing areas.*

The existing apartment building complexes have significant greenspace in the Beaverbrook Community. The proposed development concept introduces this through the inventive use of the hydro easement lands and periphery of the site. The setback of 6.0m along Teron Road is being respected for the Phase 1 low-rise apartment building, while the opportunity to create a unique building edge along Teron Road for the mid-rise apartment building through the introduction of a feasible sawtooth pattern setback will respect and enhance the character of the existing area by allowing for pockets of vegetation to minimize any impact or intrusion of this reduced setback at the first 3 floors. The transitional height from 3 to 5 to 7 to 9 storeys stepping back from the affected lot line also assists in achieving this goal. City Planning Staff had acknowledged this through the efforts of both the proponent and Staff throughout the bylaw amendment process.

From Section 4.11 – Urban Design and Compatible Development, the following is an important introduction;

Further, the Zoning By-law establishes more specific permitted use lists and development regulations within areas and on individual sites in a manner that achieves compatibility among proximate uses and built forms.

At the scale of neighbourhoods or individual properties, issues such as noise, spillover of light, accommodation of parking and access, shadowing, and micro-climatic conditions are prominent considerations when assessing the relationships between new and existing development. Often, to arrive at compatibility of scale and use will demand a careful design response, one that appropriately addresses the impact generated by infill or intensification. Consequently, the issue of 'context' is a dominant theme of this Plan where it speaks to compatibility and design.

The OP contains the following policies with respect to Building Design;

Good building design contributes to successful neighbourhood integration and the compatibility of new development with the existing or planned character of its surroundings. The façades of buildings influence the feel and function of public spaces and define the edges of the pedestrian environment. Good building design is required throughout the city. In the City's design priority areas and areas subject to the design priority policies, building design is intended to support the image of Ottawa as a Capital city and contribute to a positive experience for residents and visitors.

5. Compatibility of new buildings with their surroundings will be achieved in part through the design of the portions of the structure adjacent to existing buildings and/or facing the public realm. Proponents of new development will demonstrate, at the time of application, how the design of their development fits with the existing desirable character and planned function of the surrounding area in the context of:

- a. Setbacks, heights and transition;*
- b. Façade and roofline articulation;*
- c. Colours and materials;*
- d. Architectural elements, including windows, doors and projections;*
- e. Pre- and post-construction grades on site; and*
- f. Incorporating elements and details of common characteristics of the*

area.

The proposed design incorporates a variety of setbacks, heights and transitioning to deal with the impact on the surrounding low profile nature of the residential development. The façade and roofline is sensitive to the abutting uses, colours and materials will be similar to those in the surrounding mature community, and architectural elements will be incorporated in the design in a sensitive manner. The grading will not be altered in any significant manner and elements common to the surrounding lands will be incorporated into the development.

Massing and Scale

Complementary to building design, the massing and scale of new development also contributes to successful neighbourhood integration and the compatibility of new development with the character of the surrounding community. Massing and scale describes the form of the building, how tall it is, how much of the lot it occupies and how it is positioned in relation to the street and surrounding buildings.

9. Where a secondary planning process establishes criteria for compatibility of new development or redevelopment in terms of the character of the surrounding area, the City will assess the appropriateness of the development using the criteria for massing and scale established in that Plan. Where there are no established criteria provided in an approved Plan, the City will assess the appropriateness of the proposal relying upon its approved Design Guidelines, as applicable, and the following criteria:

- a. Building height, massing and scale permitted by the planned function of*

adjacent properties as well as the character established by the prevailing pattern of abutting development and development that is across the street;

- b. Prevailing patterns of rear and side yard setbacks, building separation and landscaped open spaces and outdoor amenity areas as established by existing zoning where that pattern is different from the existing pattern of development;
- c. The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this section.

10. The City may require a Shadow Analysis and/or Wind Analysis as part of a complete application, except where identified in the Wind/Shadow Terms of Reference. The study(s) will evaluate the potential impacts of the development on the adjacent properties and pedestrian amenity areas. The intent of each Analysis is to demonstrate how these impacts have been minimized or avoided.

11. Transition refers to the integration of buildings that have greater height or massing than their surroundings. Transition is an important building design element to minimize conflicts when development that is higher or has greater massing is proposed abutting established or planned areas of low rise development. Proponents for developments that are taller in height than the existing or planned context or are adjacent to a public open space or street shall demonstrate that an effective transition in height and massing, that respects the surrounding planned context, such as a stepping down or variation in building form has been incorporated into the design.

12. Building height and massing transitions will be accomplished through a variety of means, including:

- a. Incremental changes in building height (e.g. angular planes or stepping building profile up or down);
- b. Massing (e.g. inserting ground-oriented housing adjacent to the street as part of a high profile development or incorporating podiums along a Mainstreet);
- c. Building setbacks and step-backs.

All of these elements form an important characteristic of the proposed development. The use of various setbacks, heights and massing all contribute to lessen the negative impact of the development on the local neighbourhood while respecting the challenging building envelope of the subject property. This is illustrated on the exhibits included with the submission.

It is our opinion that the minor variance and thus the resultant development would maintain the general intent and purpose of the Official Plan.

The minor variance would maintain the general intent and purpose of the zoning bylaw. The bylaw provision being addressed is the corner side yard setback along Teron Road. The purpose of minimum setbacks is to allow for enough area within private property for other soft features as well as to help in the relationship between the profile of the building(s) with the public domain. In the case of the subject property, the road allowance is 26 metres, there is ample greenspace on the other side of the road allowance for buffering, and with the sawtooth pattern of the proposed building edge

along the setback, only small point portions of the building would be at the minimum setback. The large majority of the building, including floors 6 and above respect the 6m setback established by City Council. This stepping back of the profile of the building helps in softening the impact of the building onto the public domain, creates pockets of landscaping within the sawtooth areas, and thus achieves the desired intent of the zoning bylaw for corner side yard setbacks especially when combined with a wide road allowance along that lot line.

It is our opinion that the variance being sought maintains the general intent and purpose of the Zoning Bylaw.

The minor variance would be minor, not only in terms of mathematical reduction but in impact as well. With a widened road allowance to 26 metres, and the shape of the building, it will be difficult for the public to discern where the resulting property line will be. The site development will blend in nicely with the public road allowance, new public sidewalk, landscaping on the private property and the transitioning of building heights from the setback through to the main tower of the building. There is no negative impact with a reduction in corner side yard setback of 3m from the bylaw requirement of 6m. The Phase I building will be built at the 6m setback such that there will be gentle modest transition in setback from south to north along the Teron Road property line.

The design plans including the sun shadow study illustrate that there will be no additional impact from a reduction in setback on any surrounding uses.

The sawtooth building edge along the Teron Road lot line would actually has less impact with points at 3m rather than if a standard straight edge building at 6.0m was constructed.

City Planning Staff acknowledged this in their review of the design concepts during the zoning bylaw amendment process and thus supported a corner side yard setback of 3.0m along the entire Teron Road lot line.

It is our opinion that the variance being sought is minor.

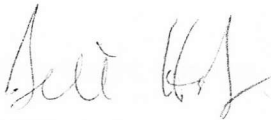
In terms of desirability, the entire project is a welcome addition to this area of Kanata, particularly forming a superb and strong architectural entrance to the Beaverbrook Community. The other end of Teron Road is anchored by a very large mid-rise apartment building complex (The Atriums) so this balances the community at both ends of Teron Road. The approval of the variance would assist in maintaining the well thought out building design for the unique shaped parcel of land and allow for the introduction of dwelling units that allow for the transitioning and aging in place for residents of ground orientated dwelling units in the Beaverbrook and Kanata neighbourhoods.

It is our opinion that the variance being sought would be desirable to the neighbourhood and to the City of Ottawa to assist in implementing the objectives of the housing and design policies of the Official Plan.

In summary, it is our professional planning opinion that all four tests are met with the application for minor variance.

We trust that you will process this application expeditiously for the next available hearing of Panel #2. If you require any additional information, please contact the undersigned.

Yours truly,



William S. Holzman, MCIP, RPP
President
Holzman Consultants Inc.

Attach

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