



December 16, 2013

Gary Sealey
Kanata Beaverbrook Community Association Inc.
2 Beaverbrook Road
Ottawa ON K2K 1L1

Dear Mr. Sealey

Re: Letter of Opinion - Update
1131 Teron Road
Application # D02-02-12-0041

The following is an update to my letters of opinion dated July 19, 2012 and February 11, 2013 prepared with respect to the application to rezone 1131 Teron Road. In preparing this letter, I have reviewed the revised documentation available on the City of Ottawa website for the subject application dated October, 2013 and reviewed all the relevant City of Ottawa policy documents.

Summary Opinion

It is my professional opinion that the application for 1131 Teron Road should be refused as it does not conform to the policies of the Official Plan, in particular **Section 2.2.2 Managing Growth within the Urban Area; Section 2.5.1 Urban Design and Compatibility; Section 3.6.1 General Urban Area and Section 4.11 Urban Design and Compatibility**. Further, it is my opinion that said application would permit a building height, form and mass of development that is not good planning or compatible development for the subject property given the neighbourhood character and context and that it creates the potential for causing undue adverse effects as defined within the Plan.

This opinion focuses on three key issues which are fundamental to determining the appropriateness of the proposed development and the assessment of its conformity and compatibility as defined in the Official Plan and related policy documents. These issues are:

- maximum building height, mass and scale
- density
- applicability of intensification policies

In addition to these issues of non-conformity from the project perspective, it is also my opinion that the rezoning of the portion of the site currently designated Employment Area in the Official Plan and being



rezoned from DR to R5A would require an official plan amendment to ensure conformity with the Plan as the Employment Area designation does not permit residential land uses.

Application Overview

The subject property is located at 1131 Teron Road in the Beaverbrook community of former Kanata. A portion of the site is currently occupied by a one storey single detached house which was zoned and converted for use as an office in 2001. This building is located on the R1 parcel and the DR parcel is undeveloped land with development restrictions imposed by two hydro easements.

The site, from a development perspective, is in the interior of a low-rise neighbourhood being bounded on three sides by the Bethune townhouse condominium, the Jackson Court townhouse condominium and the Varley rental townhouses. These adjacent developments provide the context for considering neighbourhood compatibility and building height transitions. However, it should also be noted that north of the extensive hydro easement which separates the buildable portion of the site from March Road, there is an area of commercial/industrial uses on the opposite side of March Road. March Road is a multi-lane divided arterial which creates a significant physical separation from the site and in particular from the buildable portion of the site along Teron Road.

The **original** application was to rezone the 2 portions of the site as follows:

- R1 to R5A to permit a 6 three-storey townhouses
- DR to R5A to permit a 10 and 15 storey 173 unit high rise apartment, creating a total of 179 units.

This was previously revised to include the original 6 townhouses with a 15 storey high rise containing 190 units for a total of 196 units.

The **latest revision** to the project replaces the townhouse portion with a 3 storey apartment building containing 18 to 24 units and the high-rise structure has been replaced by a 9 storey mid-rise apartment building containing 109 units. The total unit count now proposed ranges between 127 and 133 dwelling units depending on the final size and unit type configuration.

Official Plan

Section 2.2.2 Managing Growth within the Urban Area is part of the strategic directions for the Official Plan and as such provides an overall strategy and context for the consideration of intensification. The Official Plan is predicated on an approach best described as 'nodes and corridors' which are areas



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targeted for more intensive growth and therefore a greater support of support for intensification and high rise apartment development.

“Consequently, within the designated urban area, growth will be directed to locations with significant development potential, specifically those designated as Central Area, Mixed-Use Centres, Employment Areas, Enterprise Areas, Developing Communities and Mainstreets. These areas include locations that are centred on the rapid-transit network, major roads, busy commercial streets, and large tracts of vacant land.”

The proposed site **is not** within a designated node or corridor as defined in the Official Plan.

The subject property is thus not located in one of these targeted areas and therefore is subject only to general support for intensification and only in a manner which is compatible with the neighbourhood character. As a result, the following excerpts from the Official Plan provide general guidance for considering appropriate levels of intensification:

*“Within lands designated **General Urban Area**, opportunities for intensification exist and will be supported, although such opportunities are generally at a much smaller scale than in the land-use designations described above.”*

“The quality of the built environment is a significant cornerstone of intensification. Well-designed public spaces and buildings are considered to be critical factors in achieving compatibility between the existing and planned built form. This Plan requires that intensification proposals have full regard for the existing built context and a full understanding of the impacts the proposal will have on both the immediate and wider surroundings. Consequently, this Plan calls for excellence in urban design and architecture, both in the public and private realms.”

Thus while intensification is to be supported at a smaller scale in the **General Urban Area**, the more important factor to consider is the neighbourhood context and compatibility. It is my opinion that the development as proposed represents overdevelopment and is not compatible. It proposes a significant increase in the number of dwelling units in a building height, form and mass which is not sympathetic to, nor supportive of, the existing neighbourhood character.

As proposed, it is my opinion that the scale or density of this project is too great to be considered in context with the existing community character as it will be at a density of 90 units per hectare if the land area which cannot be developed under the hydro easement is included. In reality, the density actually increases dramatically to 326 units per hectare when considering only the developed portion of the site. As well, the rapid transition from 2 to 9 stories from the Bethune townhouses coupled with the out of character, minimal setback from Teron Road makes this proposal out of context with the surrounding

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neighbourhood. The following table provides a comparison of the relative densities of this proposal with older apartment projects in Beaverbrook and the recently approved mid-rise project at 2 The Parkway:

Building	Units	Hectares	Density
Varley (apts)	88	3.69	26
Atriums (apts)	194	3.10	64
2 The Parkway (apts)	16	0.49	194
1131 Teron	127-133	1.48	90
1131 Teron*	127-133	0.41	326

**This density based on area of developable portion of site only.*

It is significant to note the similarity in lot area between 2 The Parkway, a recently approved development and the current proposal for 1131 Teron and the significant increase in mass and density between these projects.

Section 2.2.2 continues with policies related to intensification outside targeted areas as follows:

“Intensification Outside of Target Areas

13. *The City also supports intensification throughout the urban area, including areas designated General Urban Area. The City will promote opportunities for intensification in the following cases, provided that all other policies in the Plan are met:*
 - a. *Lands within 600 metres of future or existing rapid-transit stations with potential to develop as compact, mixed-use and pedestrian-friendly cores;*
 - b. *Lands that are no longer viable for the purpose for which they were intended, such as older industrial areas, exhausted quarries, or abandoned transportation corridors that are not planned for open space or designated as Recreational Pathways, but does not include lands designated as Employment Area or Enterprise Area where the proposal for intensification or infill would introduce uses not otherwise permitted by this Plan; (School sites are generally not included in this category and will be treated on a site-specific basis);*
 - c. *Lands where the present use is maintained but the addition of residential uses or other uses can be accomplished in a complementary manner, such as on under-utilized shopping centre sites;*
 - d. *Lands currently or formerly used as parking lots or other extensive storage purposes;*
 - e. *Lands where records indicate existing contamination due to previous commercial or industrial use, but which can be made suitable for development if cleaned up.*



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14. The interior portions of stable, low-rise residential neighbourhoods will continue to be characterized by low-rise buildings (as defined in Section 4.11, policy 7). The City supports intensification in the General Urban Area where it will enhance and complement its desirable characteristics and long term renewal. Generally, new development, including redevelopment, proposed within the interior of established neighbourhoods will be designed to complement the area's pattern of built form and open spaces.

From my review, it would appear that the site satisfies Policy 13 a) as it is within 600 metres of a planned rapid transit station at the intersection of March and Teron. However, it is my opinion that the subject site does not fit under any of the rest of the criteria noted in Policy 13 and therefore should only be considered for a limited degree of increased intensification. Neighbourhood compatibility and context are the primary criteria needed to guide this consideration.

As well, the site should be considered as interior to the overall community of Beaverbrook due to its close proximity to the adjacent townhouses which surround it on Teron Road. The site is also separated from the edge of the community by a wide and undeveloped hydro easement from March Road, a defined arterial road which forms a boundary to the community. As such, any consideration of intensification must be directed by Policy 14 and it is my opinion that this proposal does not conform due to its height, form, mass and relative density.

In the Official Plan in **Section 2.5 Building Liveable Communities** the following text in the 3rd paragraph is also relevant: *"A focus on community design draws attention to how buildings and the spaces around them look and function in their setting. Since the best urban design is informed by a solid appreciation of the place being built, the people in it, and the community around it, this approach opens the door to creativity and dialogue."* It is my opinion that this proposal has not 'been informed by a solid appreciation' of the area and should be refused.

Section 2.5.1 Urban Design and Compatibility further defines how to assess compatibility and design. This section of the Official Plan provides the overall direction for assessing neighbourhood compatibility. The following excerpts provide the context for the assessment of these criteria:

Introducing new development in existing areas that have developed over a long period of time requires a sensitive approach and a respect for a community's established characteristics. This Plan provides guidance on measures that will mitigate these differences 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.



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In general terms, compatible development means development that, although it is not necessarily the same as or similar to existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties. It 'fits well' within its physical context and 'works well' among those functions that surround it. Generally speaking, the more a new development can incorporate the common characteristics of its setting in its 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.

It is my opinion that the proposal is not sensitive to the community and its characteristics and due its height, form, mass and relative density which does not fit well or work well in the site context. Finally, while the three storey apartment building is an attempt to transition between the new development and the existing two storey townhouses immediately adjacent, there still exists a significant transition problem between the proposed 9 storey mid-rise apartment and the two storey townhouses which are only 15 metres apart measured between the building faces. As well, the new development does not incorporate any building characteristics common to the surrounding neighbourhood and therefore the proposal should be refused.

The next comments are also from **Section 2.5.1 Urban Design and Compatibility** and provide more direction on how to achieve compatibility. In particular, attention should be paid to Design Objectives 1, 2 and 4 which follow:

“Design Objectives

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

Principles:

Design should:

- *Support the overall image of Ottawa as the Nation's capital.*
 - *Recognize and reflect on the history of the city or community.*
 - *Promote quality consistent with a major metropolis, and a prime business and tourist destination.*
 - *Create distinctive places and appreciate local identity in patterns of development, landscape and culture.*
 - *Reflect a thorough and sensitive understanding of place, context and setting.*
 - *Consider public art early in the design process and integrate it, as appropriate, as part of the project.*
2. ***To define quality public and private spaces through development***



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Principles:

Design should:

- Clearly define and connect public and private spaces by:
 - Defining and enclosing spaces using buildings, structures and landscaping.
 - Recognizing every building as being part of a greater whole that contributes to the overall coherency of the urban fabric.
 - Enhance and enliven the quality, character and spatial delineation of public spaces.
 - Consider streets as public spaces.
 - Encourage a continuity of street frontages. Where continuous building facades are not a dominant feature of the streetscape, the gradual infilling of empty spaces between buildings and between the building and the street edge is promoted to occur over time. Depending on the stage of evolution of the street, it may be appropriate to achieve this principle in a number of ways e.g., building form, landscape treatment, architectural ornamentation.
 - Address the relationship between buildings and between buildings and the street.
 - Meet the needs of pedestrians as a priority.
 - Contribute to attractive public spaces and important vistas.
 - Minimize the exposure of inhabitants to noise levels that could adversely impact their health and well-being.
 - Reduce the visual impact of infrastructure, public utilities, or street furniture by clustering or grouping them where possible, whether located within the public right-of-way or on private property.
4. **To ensure that new development respects the character of existing areas.**

Principles:

Design should:

- Integrate new development to complement and enliven the surroundings.
- Allow the built form to evolve through architectural style and innovation.
- Complement the massing patterns, rhythm, character, and context.

While these design principles are not a checklist, it is my opinion that the proposal fails to satisfy a sufficient number, in particular with respect to the underlined sections and as a result should be refused.

With the exception of the hydro corridor (designated **Employment Area**) which cannot be developed expect for passive recreational or open space uses, the site is designated as **General Urban Area** under **Section 3.6.1** of the Official Plan. This designation permits a wide range and choice of housing types as well as many of the employment and service needs of the community. Due to its broad permissions, the zoning by-law is the primary tool for managing change within the designation.



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With respect to infill and intensification, **Section 3.6.1** states *'Subject to the policies below, the City supports infill development and other intensification within the General Urban Area in a manner that enhances and complements the desirable characteristics and ensures the long-term vitality of the many existing communities that make up the city.*

Policies

2. *The evaluation of development applications, studies, other plans and public works undertaken by the City in the General Urban Area will be in accordance with Section 2.5.1 and Section 4.11.*
3. *When considering a proposal for residential intensification through infill or redevelopment in the General Urban Area, the City will:*
 - a) *Recognize the importance of new development relating to existing community character so that it enhances and builds upon desirable established patterns and built form;*
 - b) *Apply the policies of Section 2.5.1 and Section 4.11;*

It is my opinion that the current proposal at 1131 Teron does not relate to the existing community character as it introduces a building height/scale, setback from Teron Road, massing and density which is significantly out of context and should not be approved. It also does not, in my opinion, build upon the desirable established patterns as outlined in the previous paragraphs.

Section 4.11 Urban Design and Compatibility is found in the part of the Official Plan that provides guidance in the review of development applications. The following paragraphs are relevant to the issue of compatibility:

- *First Paragraph - 'Locational policies are therefore required in order to direct uses that have the potential to generate negative impacts to appropriate locations, most typically at the periphery of residential neighbourhoods. It is recognized that because land use designations such as General Urban Area, Mainstreets and Employment Area contain broad use permissions, it will be necessary for the zoning by-law to establish 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.'*
- *Second paragraph – '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*



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intensification. Consequently, the issue of 'context' is a dominant theme of this Plan where it speaks to compatibility and design.'

It is my opinion that a development proposed at 9 storeys which is set much closer to Teron Road than any other proximate development and located in a low rise community does not achieve compatibility to 'proximate uses and built form'. At the scale of the neighbourhood, this is not a careful design response and ignores the local context.

- **Policies**

1. *When evaluating compatibility of development applications, the City will have regard for the policies of the site's land use designation, and all applicable Community Design Plans, Secondary Plans, or site specific policies, Council-approved design guidelines, Provincial Environmental Assessments, and functional design plans for capital projects, as well as the Design Objectives and Principles in Section 2.5.1, and the preceding policies in Sections 4.1 through 4.10.*
2. *In addition to those matters set out in Section 4.11.1, above, the City will evaluate the compatibility of development applications on the basis of the following compatibility criteria. The measures of compatibility will vary depending on the use proposed and the planning context. Hence, in any given situation individual criteria may not apply and/or may be evaluated and weighted on the basis of site circumstances(selected portions follow):*
 - d. *Outdoor Amenity Areas: The development should respect the privacy of outdoor amenity areas of adjacent residential units and minimize any undesirable impacts through the siting and design of the buildings and the use of screening, lighting, landscaping or other mitigative design measures;*
 - f. *Lighting: The potential for light spill over or glare from any lighting source onto adjacent light-sensitive areas should be avoided or mitigated;*
 - h. *Sunlight: The development should minimize shadowing on adjacent properties, to the extent practicable, particularly on outdoor amenity areas, through the siting of buildings or other design measures;*

Further, it is my opinion that when assessing this proposal against the criteria noted in Policy 2, the proposal fails to appropriately address the noted criteria and should therefore be refused. The current proposal which replaces the earlier townhouses with a three storey apartment building generates greater adverse affects on the adjacent two storey Bethune townhouses than the previous iteration.

The northern elevation of the low-rise apartment building opens the rear yard amenity areas of the townhouses to overlook and a complete loss of privacy from four open balconies as well as the main windows of the apartments on the second and third storey. The eastern elevation creates a similar



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intrusion from large windows overlooking the privacy areas of the townhouses on that side. In both cases, the size of these windows will also pose a potential problem with light spill over during the evening hours. Finally, the sun shadow studies clearly demonstrate that this building will cast a significant shadow during the spring and fall over the rear yard amenity areas of these townhouses which are the primary outdoor spaces for these units.

4. *Buildings, structures and landscaping will be used to clearly define public spaces, such as streets and parks. In density target areas identified in S.2.2.2 of this Plan, development will be in the form of continuous building frontages that frame the street edge and support a more pedestrian-friendly environment. In some parts of the city, this will mean that new development consolidates an existing building fabric through infill or redevelopment opportunities. In other cases, where there is no established building fabric along the street, new buildings will occupy gaps in the streetscape caused by parking and/or deep building setbacks. New buildings must either be properly integrated into their existing building fabric, or help create a new building fabric.*

Under Policy 4, it is also noted that new buildings must be integrated into the existing building fabric. In my opinion this proposal does not satisfy these policies and should be refused as the proposed new buildings are out of architectural design, scale and context with the neighbourhood fabric.

Building Transitions

12. Integrating taller buildings within an area characterized by a lower built form is an important urban design consideration, particularly in association with intensification. Development proposals will address issues of compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development profile. Transitions in built form will serve to link proposed development with both planned, as well as existing uses, thereby acknowledging that the planned function of an area as established through Council-approved documents such as a secondary plan, a community design plan or the Zoning By-law, may anticipate a future state that differs from the existing situation. Transitions should be accomplished through a variety of means, including measures such as:
 - 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. *Character (e.g. scale and rhythm, exterior treatment, use of colour and complementary building finishes);*
 - d. *Architectural design (e.g. the use of angular planes, cornice lines); and*



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e. Building setbacks.

The use of transitions may vary according to such factors as the size of the development area, the planned intensity of use in the immediate area, the size of the lower-profile area, the street widths and the analysis of impacts on adjacent areas.

13. *The need to provide transitions in built form may be offset or reduced where natural buffers and features or changes in grade and topography exist, or through the orientation of buildings and the arrangement of land use patterns.*

With respect to Policies 12 and 13, it has been noted that the placement of the three storey apartment building does provide some transition to the adjacent development but overall, the proximity of the 9 storey mid-rise structure to the low scale existing development negates this transition and in my opinion, is incompatible. With respect to building setbacks, the situation is complicated by the unique shape of the site. This, combined with the wide easement area which can't be developed, has resulted in unreasonable definitions for what constitutes front, rear and side yards and results in the actual design 'front yard' where the proposed building sits along Teron Road being a side yard under the By-law. Thus, the proposed setbacks from Teron Road are considerably less than the setbacks characteristic to the neighbourhood and are therefore not compatible with existing built context of the community. As a result, it is my opinion that project fails to satisfy these policies and should be refused.

Intensification inside stable, low-rise neighbourhoods

14. *Infill and redevelopment within the interior portions of stable, low-rise neighbourhoods will occur in accordance with policy 14 of Section 2.2.2. Where development is proposed that requires an amendment or variance to the zoning by-law with respect to lot area, yards and/or building setback, or building height, and which varies from the established area's pattern of built form and open spaces, the appropriateness of the proposal will be considered in light of the following measures:*

- a. *Building height, massing and scale permitted by the zoning of adjacent residential properties as well as the prevailing patterns established in the immediate area;*
- b. *Prevailing patterns of rear and side yard setbacks and landscaped open space permitted by the zoning of adjacent residential properties as well as the prevailing patterns established in the immediate area;*
- c. *The need to provide a transition between areas of different development intensity and scale as set out in policy 12 of this Section;*



It is my opinion that Policy 14 is the most relevant to the assessment of the compatibility of this development to the existing neighbourhood. In this regard, it is my opinion that the proposal fails in all respects when measured by this policy and should be refused. A 9 storey mid-rise building with an effective density of 326 units per hectare located in close proximity to a two storey townhouse development is totally out of scale with both the immediate area and the broader Beaverbrook Community. As well, the proposed by-law requests reductions in required yards under the R5A zone which are not in keeping with the prevailing patterns of development.

Proposed Zoning Amendment

It should also be noted that in my opinion there is a conformity problem with respect to the requested zone of R5A for the lands within the hydro easement. These lands are currently designated Employment Area in the Official Plan and zoned DR (Development Reserve). While the Employment Area designation does contemplate recreational and open space uses as ancillary to the intended employment uses under this designation, the policies do not permit any form of residential use. Thus a rezoning to R5A without an official plan amendment would not be in conformity to the Official Plan. The proponent has indicated in the concept plan that these lands will be developed for passive recreational uses so it is suggested that an open space or recreational zone be considered as an alternative with site specific restrictions to reflect the limitations posed by the hydro easement.

Conclusion

In summary, it is my professional opinion that the proposed project does not represent good planning and is not in conformity with the Official Plan of the City of Ottawa for the reasons noted in this letter. Further, it is my opinion that the project permits a height, massing and density which are significantly greater than can be considered as compatible development given the neighbourhood context. The proposal clearly creates the potential for causing undue adverse effects under Section 4.11 of the Plan. For these reasons, it is my opinion that the application to rezone this site to R5A to permit a mid-rise apartment building should be refused by the City of Ottawa.

Yours truly

Signed original on file

Dennis Jacobs MCIP, RPP
Principal Planner

Cc Louise Sweet-Lindsay MCIP, RPP – Senior Planner, City of Ottawa
Marianne Wilkinson – Councillor