



## **359 Kent Street, 436 and 444 MacLaren Street, Ottawa**

Planning Rationale Addendum No. 2  
Official Plan and Zoning By-law Amendment  
July 28, 2023



Prepared for 359 Kent Street Ltd.

Prepared by Fotenn Planning + Design  
396 Cooper Street, Suite 300  
Ottawa, ON K2P 2H7

July 2023

© Fotenn Planning + Design

The information contained in this document produced by Fotenn is solely for the use of the Client identified above for the purpose for which it has been prepared and Fotenn undertakes no duty to or accepts any responsibility to any third party who may rely upon this document.

# 1.0 Introduction

## 1.1 Basis for Addendum

The following is Addendum 2 to the Fotenn Planning Rationale and Design Brief dated September 7, 2021, and Planning Rationale Addendum No. 1 dated March 16, 2023. This addendum is intended to address outstanding comments from the Official Plan Amendment (D01-01-21-0015) and Zoning By-law Amendment (D02-02-21-0095) applications by outlining the approach and design thinking, and addressing the technical comments through the design revisions. It is Fotenn's opinion that unless explicitly mentioned, the findings of the September 2021 Planning Rationale and Design Brief still apply, in general and specific terms, to the revised development proposal.

It should also be noted that, while a discussion of the City of Ottawa's new Official Plan is provided herein, Fotenn remains of the opinion that, given the applications were submitted under the former Official Plan, those are the policies which apply to this development.

The primary purpose of this addendum is to address the planning comments received April 28, 2023. In doing so, this addendum also summarizes the many significant changes to the development since the original submission in response to engagement and review processes.

## 1.2 Summary of Applications

In September 2021, Fotenn submitted Official Plan Amendment (D01-01-21-0015) and Zoning By-law Amendment (D02-02-21-0095) applications on behalf of 359 Kent Street Ltd. For their lands at 359 Kent Street, and 436 and 444 MacLaren Street.

The Official Plan Amendment (OPA) sought to amend the Centretown Secondary Plan. The OPA would amend specific provisions of the Landmark Building policies in section 3.9.5.5 to recognize the proposed building height of 34 storeys and permit office use within the three (3) storey podium.

The Zoning By-law Amendment proposed to amend the zoning of the subject property from "Residential Fourth Density, Subzone UD, Exception 479 (R\$UD[479])" to "General Mixed Use Zone, Exception XXXX, Schedule YYY (GM[XXXX] S(YYY))". A new site-specific zoning schedule is intended to establish permitted building heights and required setbacks while the site-specific exception would provide the necessary relief from specific provisions of the current zone.

As with all Landmark Buildings and per the Centretown Secondary Plan, 359 Kent Street and their project team have engaged in a robust review and public consultation program as part the application review process to date. To date, this has included:

- / Three (3) meetings with an international panel of architects on a Special Design Review Panel (SDRP);
- / A project website with opportunities for ongoing public feedback and posting of project updates (359Kent.com);
- / A public consultation workshop where the public was invited to share their thoughts and opinions on the built form and public realm and public use components of the project;
- / Two (2) additional public meetings to gather feedback and report on project changes and progress; and,
- / Several rounds of stakeholder consultation meetings with the Centretown Citizens' Community Association, Heritage Ottawa, the Built Heritage Sub-Committee, the Ward Councillor and City staff.

The comments and opinions shared throughout this process, and the first and second round of circulation comments received from the technical circulation of the applications has been assessed and incorporated into the current submission of the project.

## Inventory of Changes

The following provides a summary of the changes since the previous submission in March 2023.

### Civic Space

The previous submission offered 186 square metres of dedicated civic use space in one of three possible locations:

- / The heritage building at 436 MacLaren,
- / The Kent and Gilmour corner on the ground floor of the retained heritage facades, or
- / A newly constructed ground floor space in the new podium fronting onto Gilmour Street.

After consultation with City staff and the community, the civic use offering has been amended to include three spaces:

- / The heritage house at 436 MacLaren equal to approximately 307 square metres,
- / 186 square metres on the ground floor of the new building; and,
- / A Privately-Owned Public Space (POPS) of approximately 530 square metres linking the two (2) interior spaces.

### Landscape Design

More planting has been introduced in the POPS and along Kent, adjacent to 444 MacLaren Street.



Figure 1. Previous Submission

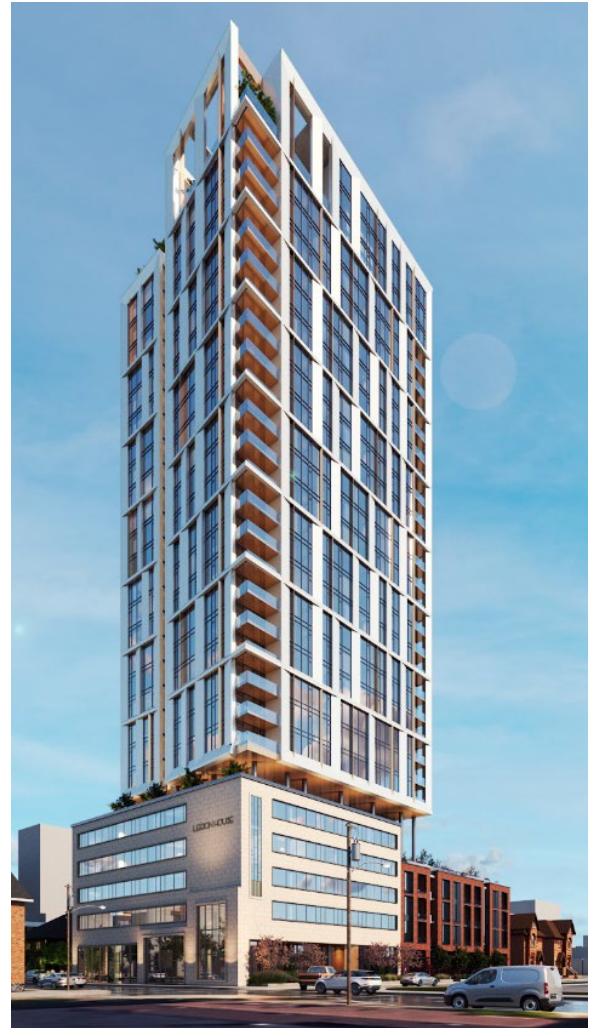


Figure 2. Current Design

**Podium Design**

Based on the recommendations by the consulted stakeholders, the podium to the east of the retained heritage facades has been reduced to four (4) storeys (from 5). The podium sunshade feature has also been removed from the terrace atop the podium to further improve transition to the adjacent existing low-rise context.

The ground floor of the new red-brick component of the podium features ground-oriented residential units which positively impacts the landscape treatment along Gilmour Street.

The architectural language along the North facade of the Legion building has been simplified. The articulation has been adjusted to reflect a residential program and mimic the existing materiality and quality of the existing Legion building's heritage facades.

**Tower Design**

The architecture of the tower has been simplified from the previous design based on feedback from the SDRP. The curtain wall feature at the southwest corner is no longer present, and the form of the tower's heavy framing has been reduced to streamline it. Vertical members have also been removed to lighten up the tower.

The crown, paired down to thinner vertical and horizontal elements as opposed to a cap, still encapsulated the mechanical penthouse and some amenity space while elongating the building, and providing a lighter, more porous top.

## Response to Comments

Comments from the second round of technical circulation for the Official Plan and Zoning By-law Amendment applications were provided April 28, 2023. The following represents a response to the planning-related comments:

- 10 The policies for landmark buildings restrict the building height up to 27 storeys. Height in excess of 27 storeys will not be considered or supported by Staff as previously discussed on several occasions.

**The height of the proposed development has been reduced to 27 storeys to reflect the feedback from the public and City staff.**

- 13 The revised development proposal still does not provide or demonstrate a 20-metre separation from the tower to the existing low-density neighbourhood along MacLaren.

- 13a Staff recognize that the Centretown Community Design Plan (CDP) requires a 20-metre tower separation from low-rise neighbourhoods. However, the applicant's limited response that MacLaren is a planned mid-rise neighbourhood is not sufficient. A visual and written analysis of the tower impact on the planned mid-rise context along MacLaren must be submitted for review and consideration, especially if a distance less than 20 metre is going to be justified and supported

**The guideline for 20-metres of separation between a tower and low-rise neighbourhood is largely based on concerns related to loss of privacy and overlook. Fotenn has reviewed the block bounded by Kent, MacLaren, Bank, and Gilmour and has found that most of the surface area within the block is used for surface parking, including the entire rear yard of 430 MacLaren (see Figure 3). As a result, the nearest amenity space is located over 20 metres from the tower. There are no adverse impacts related to overlook and privacy as a result of the proposed tower and tower location.**

**Secondly, with regards to built form, both the existing and planned context need to be considered. With regards to the existing context, the proposed development abuts a generally low-rise context to the east, consisting primarily of two (2) and three (3) storey detached dwellings converted to multi-unit residential (396, 400, 404, 408, 412, 422, and 430 MacLaren) or for office use (421, 427 and 437 Gilmour) and hotel use (431 Gilmour).**

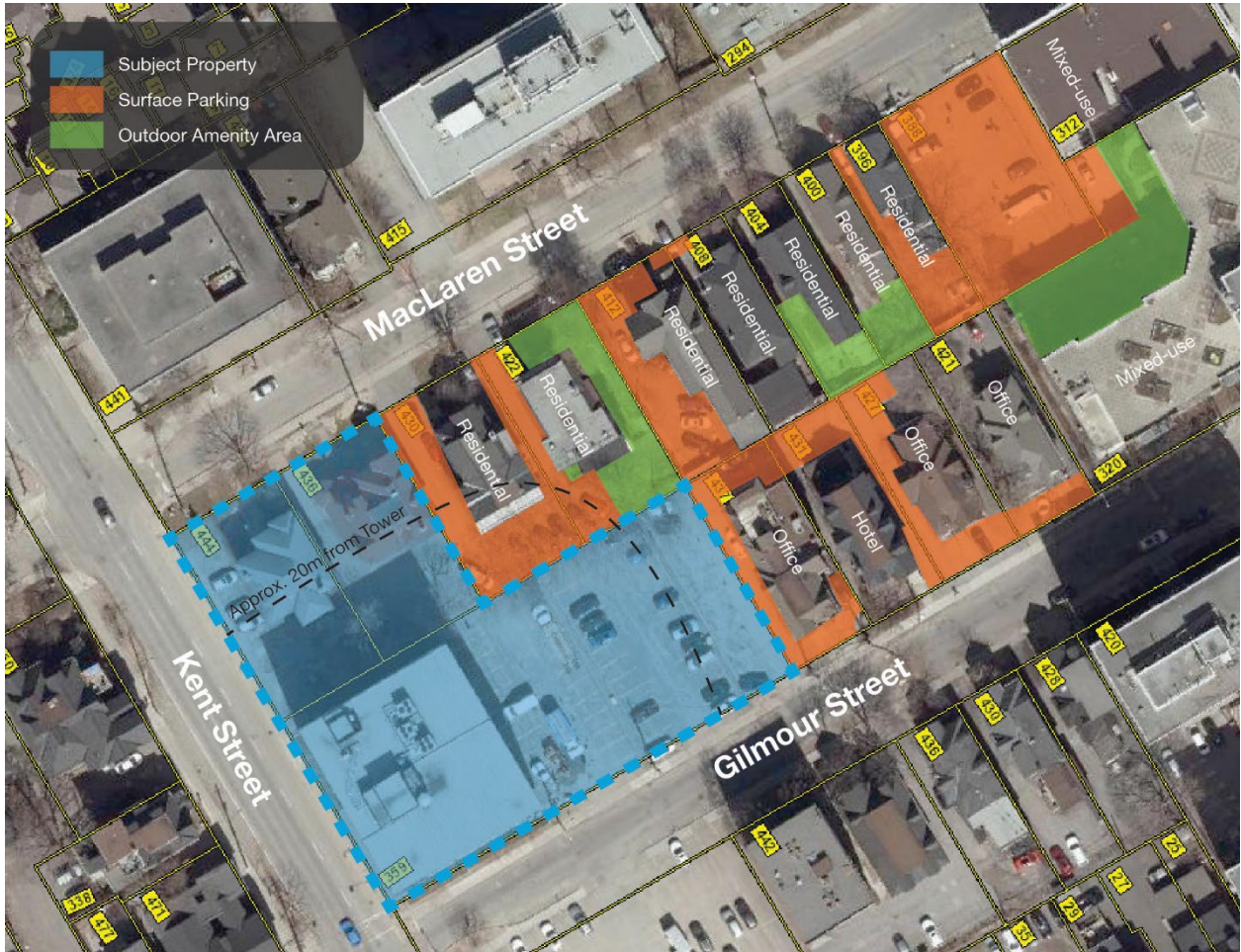
**Beyond the immediate block, the existing context is more diverse with several mid- and high-rise buildings mixed with low-rise converted dwellings and surface parking areas. Kent Street, as identified in the CDP and Secondary Plan, is a clear separation between the low-rise neighbourhood to the west and the denser development to the east.**

**In terms of planned context, as described by the Central and East Downtown Core Secondary Plan, the block bounded by Kent, MacLaren, Bank and Gilmour is designated "Corridor" along the Bank and Kent edges and "Local Mixed-Use" on the interior of the block on Schedule B of the Secondary Plan. With regards to building height, Schedule C indicates maximum building heights up to 9 storeys on the entirety of the block, aside from 421, 427, 431, and 437 Gilmour Street which are anticipated at 4 storeys.**

**Section 4.11 of the 2003 Official Plan states that building height and massing transitions will be accomplished through a variety of means, including:**

- / Incremental changes in building height (e.g. angular plane, stepping buildings profile up or down);
- / Massing (e.g. inserting ground-oriented housing adjacent to the street or incorporating podiums);
- / Building setbacks and step-backs.

**Section 4.6.6.1 of the 2022 Official Plan, the Zoning By-law should include transition requirements for mid- and high-rise buildings including between existing buildings of different heights. Policy**



Fotenn’s opinion, achieved appropriate transition to the surrounding context given the prevailing pattern of the surrounding properties and the site-specific context.

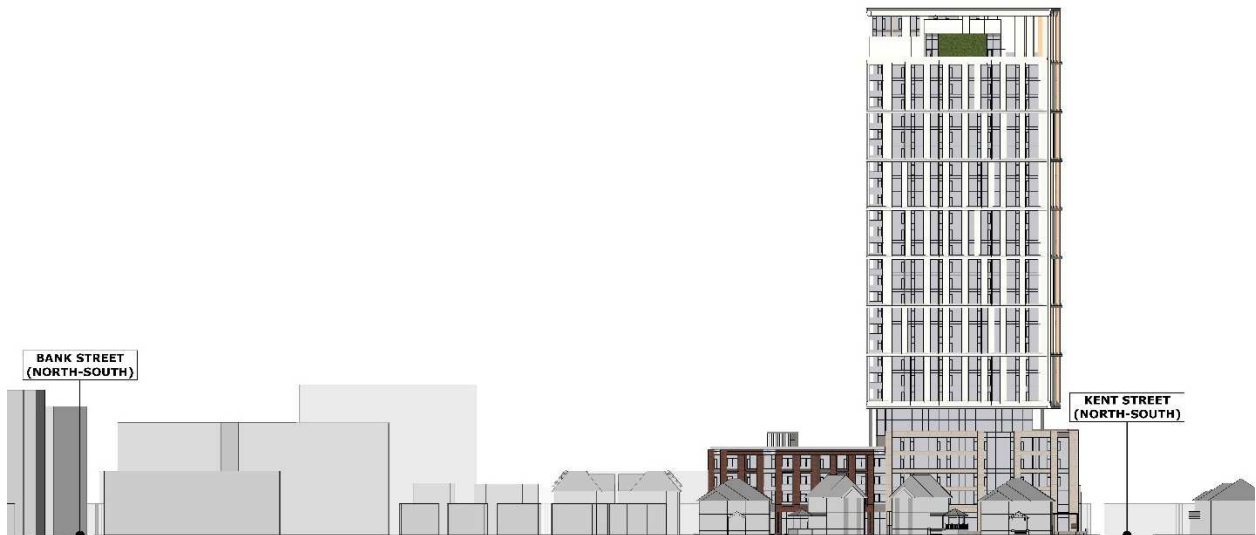


Figure 4: Proposed Transition along MacLaren Street (Looking South)

- 14 Staff recognize and appreciate that the podium height has been reduced to five storeys, which provides better transition in height to the existing low-rise context to the east than the previous development proposal.
- 14a However, the revised proposal negatively impacts the existing buildings at 422 and 430 MacLaren Street with respect to the proposed setback of 4 metres on the north property line, whereas the previous development proposal was for a setback of 8.5 metres. Further to this, there is no discussion of the impact of this minimal setback within the Planning Rationale, and the zoning provisions provided within Section 3.5 of the Planning Rationale do not provide an accurate comparison of the required setback compared to the proposed along this property line.

**An analysis of the immediate context and the existing character reveals an urban condition with buildings in close proximity and minimal yards separating developments on adjacent sites. For example, the existing building at 359 Kent Street is located approximately 3.31 metres from the property line for 436 and 444 MacLaren Street and has a height greater than the proposed podium on the new development. Further, the proposed separation is generally to surface parking areas on the adjacent lots at 422 and 430 MacLaren and therefore will not result in privacy or overlook concerns. Further, the rear setback of 437 Gilmour is approximately 4 metres as it stands today.**

- 14b Furthermore, the five-storey podium should introduce elements of transition to provide better transition to the east, such as a stepback on the east side on at the 3rd or 4th storey.

**The podium of the development has been further reduced from the original 8-storey height, and the previous 5-storey height, to a current height of 4-storeys. This provides a stepped transition from the existing low-rise context through the 4-storey eastern podium to the 5-storey height of the retained 359 Kent Street façade. The canopy atop the eastern podium has also been removed to reduce the perceived massing of the podium.**

- 14c Staff are of the opinion that the podium rooftop canopy negatively impacts the revised podium height and transition of the proposed development to the planned and existing low-rise context and recommend that this be removed from the development proposal.



**The rooftop canopy has been removed to facilitate better transition to the planned and existing context.**

- 16 The proposed tower floorplate is larger than 750 square metres. In consideration of the comments included herein as they relate to transition and separation, a floorplate larger than 750 square feet is not supported by Staff as it is to the detriment of maintaining a sufficient setback and separation of the tower from the existing and planned context along MacLaren.

**The proposed floorplate is 849 square metres. The intention of the floorplate maximum is to promote design outcomes that mitigate shadow and wind impacts, maintain sky views, and allow access to natural light. The direction to a 750 square metre floorplate is not prescriptive or statutory. The issue of floorplate is not relevant to the discussion of transition, so long as appropriate transition is being achieved to the tower. As discussed above, transition is being achieved that is appropriate to the context of the proposed development.**

**The proposed floor plate and building design has been assessed for wind and shadow impacts and these impacts mitigated appropriately. Further, the tower will not adversely impact sky views or access to natural light. The proposed floorplate is appropriate.**

- 18 Should Staff recommend approval of the development, a Holding Symbol will require that a formal Special Design Review Panel meeting be held at the time of Site Plan Control and that any comments arising from that review be addressed to the satisfaction of the General Manager, Planning, Real Estate and Economic Development prior to the Holding Symbol being lifted.

**The project has currently been reviewed at three (3) separate meetings by a Special Design Review Panel (SDRP) who have provided comments and feedback with great detail that have been addressed and incorporated into the proposed development. In our opinion, a review with the City's Urban Design Review Panel (UDRP) per the standard Site Plan Control review process would provide sufficient design review and oversight to ensure a landmark building at the site for the Site Plan Control stage. We are not in favour of a holding symbol on the lands.**

- 27 The following are urban design comments focused on the public realm, massing, and relationship with the surroundings. These comments are meant to complement the SDRP recommendations and to facilitate establishing appropriate zoning regulations (rather than design details).

- 27a The tower is very close to the low-rise building located at 430 MacLaren. This presents a challenge to meeting the built form policies of the Secondary Plan, the Centretown Community Design Plan, and the Urban Design Guidelines for High-Rise Buildings, which all require a minimum separation of 20m from the tower to the nearest low-rise building to ensure appropriate transition. It is acknowledged that the size, shape, and configuration of the site may provide little room to reposition the tower, particularly when there is also a strong desire to locate the tower away from Kent-Gilmour intersection. A number of options can be explored (and none of them are an easy undertaking):

- i. The floorplate of the tower be further reduced.
- ii. A limiting distance agreement be signed between the applicant and the owner of 430 MacLaren.
- iii. The property at 430 MacLaren be consolidated into the development.

**Firstly, it should be noted that the Secondary Plan does not contain any specific requirement for separation from low-rise areas. The non-statutory CDP and the Urban Design Guidelines for High-rise Buildings do recommend this separation, however.**

**As discussed herein, the planned context of MacLaren and Gilmour Street within the development block envisions a mid-rise block in the future. Therefore, transition to the existing and the planned context must be considered. The guideline for 20 metres of separation is driven largely by concerns of loss of privacy and overlook from the tower into the adjacent low-rise areas. The rear yard of the property at 430 MacLaren, and**

**the prevailing use of the rear yards within the entire block, is as surface parking areas. The nearest outdoor amenity area, identified in the figure above, is located over 20 metres from the tower.**

**Hobin Architecture has reviewed the relevant parts of the Building Code and no impacts with regards to Limiting Distance are anticipated.**

## Conclusion

We trust the enclosed is satisfactory to address outstanding questions and concerns regarding the proposed development. Should you have any further questions or comments, please don't hesitate to contact the undersigned.

A handwritten signature in black ink, appearing to read 'Paul Black', written in a cursive style.

Paul Black, MCIP RPP  
Associate