

October 4, 2023

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Via email: Kelly.Livingstone@ottawa.ca

**RE: 780 Baseline Road, City of Ottawa
Zoning By-law Amendment & Site Plan Control
D02-02-22-0049 & D07-12-23-0076
Planning and Urban Design Memo**

Dear Mr. Livingstone,

The following letter serves to address the comments provided on our most recent submission that pertain to Planning and Urban Design matters. Given the scope of the comments received, and the nature of them as they apply to the forthcoming assignment of the Zoning By-law Amendment to an agenda at Planning and Housing Committee, the comments have therefore been addressed thematically in the following sections.

Design Materials Provided

As discussed through further correspondence with City planning and urban design staff, materials providing site context, precedents, perspectives, and design evolution have been issued in various formats throughout multiple Zoning By-law Amendment submissions; as part of three (3) public meetings and shared through extensive discussions with City staff as design has been revised. It is Fotenn's position that those engaged in the development review process since the application was received in May 2022, have become sufficiently acquainted with the project evolution and site context. Additional site photos or sketches for a discussion of options or previous designs, and an update to the urban design brief as a "paper trail" are not necessary.

Also of interest, some of the urban design comments are inconsistent with the outcome of the recent Ontario Land Tribunal (OLT) decision for Bertone Montreal Road LP for the lands located at 1649 Montreal Road and 741 Blair Road (OLT-22-003966). The comments request compliance with the angular plane, reduced tower floor plate size and that the balconies be incorporated into the area calculation for the footprint of the tower. The OLT provided clear direction on these issues, as summarized below and specifically for these lands. Accordingly, the following sections relate to the current proposal and plans only.

Tower Separation

The site is uniquely configured in a manner that allows for ample tower separation both to future towers on the lands and externally to abutting properties the site. In response to technical circulation comments, Tower "A" has been relocated in this resubmission to provides a 10-metre separation to the existing low-rise residential buildings to the south. This is an appropriate setback with consideration to the following elements:

- / The lands to the south are designated Minor Corridor in the City of Ottawa Official Plan. Minor Corridors in the Outer Urban Transect permit building heights of 6-storeys. The lands to the south along Fisher Avenue, and further west are also designated Evolving Neighbourhood in the OP, and the overlay would encourage redevelopment and intensification on those lands, in the range of four (4) to six (6) storeys.

- / Although there is an existing single-detached dwelling to the south, it should be expected that over time, redevelopment will occur; lessening the need for a tower separation to the south.
- / Despite the redevelopment, the Minor Corridor designation does not permit a building height above 6-storeys and does not support high-rise buildings. For that reason, tower separation to the south property line should not be applied as if a tower would be developed. These abutting properties also lack the overall lot depth necessary for a practical tower floorplate and separation given the location of the dedicated parkland to the west.
- / That is not to say that an appropriate transition should not be provided for the abutting existing dwelling. In our opinion, a 10m tower separation to the south property line, an at-grade landscaped pedestrian connection and low-rise podium and tower step-back is a sufficient and reasonable transition.
- / Section 77 of By-law 2008-250 requires a 10-metre tower setback, as provided. The High Rise Guidelines would encourage (but not require) 11.5m. Zoning is “applicable law”, whereas the guidelines are non-statutory, design direction. In our opinion a 11.5-metre tower setback is not warranted or supported by the By-law or the guidelines.

The lands are currently zoned General Mixed-Use (GM). The GM zone does not allow high-rise residential buildings without a site-specific amendment, as proposed in the applications. For a *comparison or direction* of an appropriate interface with a low-rise neighbourhood, Fotenn referred to the Residential Fifth Density Zone - R5 . The R5 zone allows high-rise buildings and is often applied to sites along arterial and collector roads (Carling Avenue, Baseline Road, Walkley Road, Montreal Road, ...) that have high-rise buildings abutting low-rise areas and that are not zoned Arterial Mainstreet. This comparable provides a guide for an appropriate and typical residential zoning built form, in a similar context to the 780 Baseline Road site. The R5 zone typically requires a 7.5m rear yard building setback for transition from high-rise buildings to low-rise areas. The 4-storey building podium is setback 5 metres to maintain continuity of a built form street edge and datum line along the Fisher Avenue Minor Corridor in anticipation of future low- or mid-rise intensification, while the tower itself is recessed 10 metres from the adjacent lands to the south.

Tower “B” offers a 19.7-metre separation from the lot line to the west along Baseline Road, and a 49.3-metre separation to Tower “C”. Tower “C” is located at the Baseline Road-Fisher Avenue intersection where separation is further facilitated by the ROW widths in excess of 35 metres. The separation to Tower “A” to the south is 56.9 metres. It is therefore Fotenn’s opinion that concerns relating to tower separation have been resolved.

Tower Floorplates

As discussed above, the tower separation proposed throughout the development plan is adequate and in some manners can be considered extensive. The separation, with consideration to the adjacent uses and planned context, will allow for tower development to comfortably take place to the east and west along Baseline Road. The tower separation to future low- and mid-rise along Fisher Avenue is also accommodated. Therefore the tower floorplates, which exceed the guideline of 750 m² and instead propose a range of 902 to 929 m² can be comfortably accommodated within the context of the overall development plan.

The guidelines for tower floorplate area derive from the need to accommodate for acceptable shadowing and wind impacts. The towers remain proportionately slender and the provided sun-shadow study demonstrates that the shadowing from the towers is reasonable and will move quickly throughout the day. It has been further demonstrated that the wind impacts are acceptable. The proposed setbacks, tower separation, podium and transition all support larger floorplates, without undue adverse impacts.

The proposed tower floorplates allow for viable floor layouts that provide a variety of reasonably scaled unit options which support the Provincial Policy Statement (2020) in allowing for a range and diversity of housing types. The suggestion that tower floorplates should include balcony projections is antithetical as it penalizes builders for providing usable private amenity area and rewards the removal of these features which serve to benefit the daily life of tenants while also providing visual interest and a sense of life and activity to the public realm.

Accordingly, with consideration to these elements and the provided separation, the floor plates are appropriate within the context of the proposal.

Angular Plane

A study of the angular plane has been requested as part of each of the submissions made to date. The need to consider the angular plane derives from Section 4.6.6 of the Official Plan, and in particular Policy 2), which states:

Transitions between Mid-rise and High-rise buildings, and adjacent properties designated as Neighbourhood on the B-series of schedules, will be achieved by providing a gradual change in height and massing, through the stepping down of buildings, and setbacks from the Low-rise properties, generally guided by the application of an angular plane as may be set in the Zoning By-law or by other means in accordance with Council-approved Plans and design guidelines.

The proposal in its current form responds to this policy in applying the general guidance of the angular plane in the configuration of building height and transition. The site represents a unique context: It possesses a depth of approximately 60 metres from the edges of Baseline Road and Fisher Avenue to the internal streets of Sunnycrest Drive and Hilliard Avenue. Baseline Road is generally 37 metres in width along the property frontage and Fisher Avenue is generally 35 metres along the frontage. Hilliard Avenue / Sunnycrest Drive is generally 20 metres in width behind the site. The site is sufficiently separated in practical terms from adjacent lands. A very effective transition in building form relying on podiums, street fronting units, tower to podium setbacks and separation to low-rise dwellings with a public street is proposed.

As a starting point, the policies of the current Official Plan are supportive of high-rise buildings at this location, in large part given proximity to a future BRT station at the intersection of Baseline Road and Fisher Avenue and the Mainstreet Corridor designation, with a protected Right-of-Way (ROW) width of over 30m.

We are not in agreement with the City's approach of over-reliance on the angular plane to measure the appropriateness of tower heights. As previously noted and confirmed in the Bertone OLT decision, the angular plane is one of many tools, supplemented by building and tower separation, podium heights and building step-backs. On this point, new Official Plan policies encourage a gradual change in height and massing, through the stepping down of buildings, and setbacks from the Low-rise properties, *generally guided by the application of an angular plane*. As you can note from the language of the policy, the intent is to use the angular plane to generally assess transition, and then work the building massing and setbacks to implement an appropriate transition. The language does not require compliance with an angular plane, yet Staff in most cases is now assuming that transition requires fully meeting the angular plane.

In our opinion, the 4-storey podiums provide a gradual transition to the existing 2-storey dwellings and provide a more positive relationship to Sunnycrest Drive and Hilliard Avenue. The podium incorporates street-oriented and accessible townhouse units, replacing the previous, fenced-in surface parking areas. The towers are considerably set-back from these dwellings. These separation distances are considerably larger than most projects that RLA and Fotenn are involved with, in large part recognizing the more suburban context of the property. These separation distances will provide a sufficient transition despite the upper portions of the tower encroaching into the measurements of the angular plane.

The intent of the angular plane, in our opinion is to assess the appropriate podium height and the massing of the lower-portions of the building. It should be understood that for the City to meet its housing and density targets along arterial roads and in proximity to transit facilities, building heights will exceed the limits of the angular plane. The importance of the angular plane is to provide direction for the distribution of the massing and building height, in order to soften the potential impacts on abutting properties. Impacts could include over-looking, loss of privacy, shadowing, etc. These impacts have been mitigated by redistributing the height and massing of the lower portions of the buildings to greater tower heights. The windows and entrances of the townhouse units are not intrusive or atypical to other street-facing units on residential streets. In contrast, the ability of the broader community to see a taller building from a distance further away is not an adverse impact.

It is noted that the adjacent lands are zoned Residential First Density – R1 and Residential Second Density – R2. These zoning classifications predate the applicable Official Plan and the most recent Provincial direction relating to the provision of housing and intensification surrounding transit. Given the frontage of the R2 lands on Baseline Road, which is a Mainstreet Corridor and a Rapid Transit Corridor, it is expected these lands will be significantly upzoned as part of the City’s current initiative to rezone all City lands to allow densities that align to the underlying policy direction.

Similarly, the nearby lands zoned R1 are identified by an “Evolving Overlay” in the new Ottawa Official Plan, indicating the City’s assessment that these lands will intensify over time to match the upper densities (i.e. 4-storeys) permitted within the applicable Neighbourhood designation given their proximity to rapid transit. Therefore, it can be expected that the R1 zoning, which in its current form fails to meet Provincial direction as advanced through the *More Homes Built Faster Act, 2022*, will be altered to a zoning that more appropriately responds to Official Plan policy and Provincial direction.

Accordingly, the comparison of the angular plane to zoning classifications established 15 years in the past which do not reflect the most recent opinions of City Council or Provincial direction, does not represent good planning. The approach has therefore considered in relation to the planned context, the unique characteristics of the site, and other methods of transition, including 4-storey podiums, tower placement, and materiality in establishing a site design that offers strong urban design qualities which respond to policy direction and guidelines more broadly than the angular plane on its own.

Relationship to Central Experimental Farm

It is noted that the property is located south of the Central Experimental Farm. Consideration has been applied to the manner by which Towers “B” and “C” interface with the Farm. As demonstrated in the enclosed shadow study, and evaluated in the updated Heritage Impact Assessment, the towers minimally impact the edges of the fields and only during set parts of the day and year.

It is noted that Tower “A” is set back along Fisher Avenue at the southern edge of the property and will have minimal to no impact in terms of shadowing and or wind. Furthermore, the shadowing of the fields from the three towers during the active growing season will be less than 5 hours, based on the City’s Terms of Reference for evaluating ‘net shadow’ during the September Solstice test date and does not result in an average of 50 per cent of any public space being cast in shadow.

The proposal is located approximately 1 kilometre from the core brick clad science and administrative buildings and will have no adverse impacts on the core elements of the Farm. The proposed development does not impact identified viewscales. The development site is located to the south of the experimental fields, plots, and shelterbelt. At the proposed heights of 32 and 24-storeys, the towers will only minimally shadow the fields and plots along the southern boundary along Baseline.

Conclusion

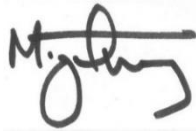
Based on the proposed design revisions to separate Tower “A” from the southern property line by a distance of 10-metres, and the discussion provided above, it is our position that the proposal is in a position to move forward to Planning and Housing Committee to consider the application for Zoning By-law Amendment.

Should you have any questions regarding the submission, please contact the undersigned.

Sincerely,



Scott Alain, MCIP RPP
Senior Planner



Miguel Tremblay, MCIP RPP
Partner