

**Ottawa East
Community
Association**



Old Town Hall

September 18, 2012

Via email only to - cofa@ottawa.ca

Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive – 4th Floor
Ottawa, Ontario
K2G 5K7

Re: File No. D08-02-12/A-0020 - 11 Chestnut Street

Dear Committee,

The Old Ottawa East Community Association (OECA) is not in support of the variances requested under this application. We further note that there has been no attempt by the proponent to discuss the proposal with the community association.

We believe the proposed development is not in keeping with the community vision and does not reflect the sensitive residential intensification required by the Zoning By-law, Urban Design Guidelines for Low-rise Infill Housing and the Official Plan. The application proposes to overbuild a very small lot and does not represent sound planning, as set out below. It does not meet the criteria for the Committee to grant the minor variances requested.

Test 1: The variances do not maintain the general intent and purpose of the zoning By-law.

- *The Committee hears Applications for Minor Variances where a requirement of a Zoning By-law cannot be met (under Section 45 of the Planning Act).*

The Zoning By-law is understandable in intent and purpose. The Zoning By-law requirements for this neighbourhood have remained the same for at least 15 years. The requirements can be met. This application represents over development of a small lot and has negative impacts on the surrounding neighbourhood.

- *The Zoning By-law indicates one of the purposes of the R3 - Residential Third Density Zone is to regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced.*

The plans filed with the Committee cannot be considered compatible with the existing land use patterns and do not maintain or enhance the residential character of the Archville neighbourhood.

- *The intent of the Zoning By-law is to outline what a parcel of land may be used for and regulates lot size, parking requirements and building height. The Design Guidelines support the requirements under Zoning.*
- *The Urban Design Guidelines for Low-rise Infill Housing (Guidelines) are intended as a basic framework for the physical layout, massing, functioning and relationships of infill buildings to their neighbours. The Guidelines are a tool to help achieve the Official Plan's goals in the areas of design and compatibility and they help implement Official Plan policies with respect to the review of development applications for infill development.*

The Urban Design Guidelines for Low-rise Infill Housing must be considered. The Guidelines, in part, indicate the following:

- *...Well-designed residential infill projects can integrate harmoniously into a local landscape, improving and enriching a neighbourhood, and increasing the value of the infill development itself. Good design is critical to growing cities and essential for increasing densities appropriately. The keys to good infill are recognizing the scale and visual lot pattern of the desirable neighbourhoods that exist, and those planned for the future...Design direction is offered to assist people who are proposing change and also help those evaluating proposals through the development review process, to assess, promote, and achieve appropriate infill. In addition, neighbourhood residents and interested stakeholders can see what the expectations are for infill development, and thereby obtain a better understanding of how development proposals will be evaluated...To facilitate the approvals process, builders can get practical ideas and guidance on important design ingredients for building in established communities prior to starting the design of their project...*

The plans filed with the Committee do not reflect good infill design and do not provide appropriate infill development. There is little evidence of the Applicant's consideration of the important design ingredients for desirable infill that would fit or improve this neighbourhood.

- *Urban Design and Compatibility (Section 2.5.1 of the Official Plan) states ..."Introducing new development in existing areas that have developed over a long period of time requires a sensitive approach and a respect for a communities established characteristics..."*

- 3 -

The Archville neighbourhood will be undergoing substantial redevelopment. Increased density, along with some increased height and massing is expected. However the plans filed with the Committee do not reflect a sensitive approach or a respect for the community.

- *Urban Design and Compatibility (Section 4.11 of the Official Plan) states ... “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.*
- *Objective criteria that can be used to evaluate compatibility include: height, bulk or mass, scale relationship, and building/lot relationships, such as the distance or setback from the street, and the distance between buildings. An assessment of the compatibility of new development will involve not only consideration of built form, but also of operational characteristics, such as traffic, access, and parking”.*
- *1.3 Infill and Intensification... Infill development at higher densities, in relation to existing neighbours, requires good design to mitigate the potential impact of intensified building forms.*
 - *4.1.2 Locate and build infill in a manner that reflects the existing or desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections, as well as front, rear, and side yard setbacks. Figure 10: This urban infill matches the setbacks of surrounding homes and preserves an established tree. The front door faces the street, the ground floor elevation matches that of the neighbours and the large first floor window contributes to an animated and safe street.*

Although a three unit dwelling is a permitted use, the building height could and should be reduced by lowering the elevation of the first floor so as to be slightly above grade. (There is no need to have approximately 4 feet of exposed foundation wall, with numerous large windows, unless the Applicant’s intention is to add a fourth basement unit in the future.) Further, all of the existing 1 & 2 storey homes on this side of the street have front entrances close to grade. The variances for a proposed 1.52 metre front yard porch projection, with fewer stair risers would fit the neighbourhood and could be considered compatible.

- *4.1.3 In determining infill lot sizes, recognize the provisions of the Zoning By-law, the Official Plan’s intensification policies, and local lot sizes including lot width, the existing relationship between lot size, yard setbacks and the scale of homes*

Wherein the Zoning By-law would expect a maximum of two units on this lot, we recognize this property is within 600 metres of a rapid transit station. Although this property is not targeted for intensification in the Old Ottawa East Secondary Plan, we respect the OP intensification policies and can support three unit development on small lots if and only if no minor variances are required. The OECA expects all Zoning By-law required yard setbacks to be strictly adhered to. The Old Ottawa East Community Design Plan (CDP) and Neighbourhood and the Precinct Policies of the Old Ottawa east Secondary Plan (SP) states: "*Maintain the general character of these neighbourhoods as expressed by the existing zoning.*"... The request for a rear yard minor variance is not minor. The requested reduction in lot width and lot area is not appropriate unless offset by numerous Guidelines suggested architectural features are implemented. - see also comments below.

- *4.1.8 Determine appropriate side and rear separation distances between existing homes and new infill homes/ infill housing blocks to ensure appropriate light, view, and privacy. Consider how building height, site orientation and the location of windows affect views, sunlight and privacy.*

A three storey infringement into the rear yard setback would block the view of, privacy of and sunlight of the adjacent neighbours and therefore has a substantial negative impact.

- *4.1.9 Maintain rear yard amenity space that is generally consistent with the pattern of the neighbouring homes. Do not break an existing neighbourhood pattern of green rear yards by reducing required rear yard setbacks.*

Rear yard amenity space for this proposed development is virtually nonexistent. The pattern of the neighbouring homes and a neighbourhood desire for ground level amenity space necessitates the required minimum rear yard setback should be maintained.

- *4.1.11 Respect the grades and characteristic first floor heights of the neighbourhood by not artificially raising or lowering grades.*

As indicated above, the first floor height should match the neighbourhood and adjacent neighbour's elevation.

- *4.2.2 In cases where new buildings back on to lower-scale residential properties or public open space, set the building(s) so that it does not project into a 45 degree angular plane from the rear property line, in order to reduce the impact of the potential loss of sunlight or privacy on neighbouring properties. (A 45 degree angular plane is measured from a rear lot line and projects at a 45 degree angle toward the development.) For larger infill development, design within an appropriate angular plane, and provide a suitable buffer zone in order to protect a neighbour's access to adequate light, view and privacy.*

The plans filed with the Committee demonstrate a complete lack of attention to this important design consideration. This property backs onto a public open space park (Springhurst Park) which is to be revitalized in the very near future. A sensitive approach to the existing lower-scale properties and Springhurst Park is expected. (A three storey vinyl clad vertical wall c/w raised basement which infringes into the required rear yard setback is not appropriate.

- *4.2.3 Where the new development is higher than the existing buildings, create a transition in building heights through the harmonization and manipulation of mass. Add architectural features such as porches and bays, and use materials, colours and textures, to visually reduce the height and mass of the new building*

The plans filed with the Committee do not come close to providing the architectural features necessary to visually reduce height and mass.

- *4.2.6 If the new development is significantly larger than the existing adjacent buildings, create a transition in building widths by visually dividing the building into smaller sections that approximate the width of the neighbours, and by scaling down the height as it approaches the neighbours*

The plans filed with the Committee do not attempt to create any building width transitions or scale down the height above the adjacent neighbours 1 and 2 storey homes. The windowless vinyl clad south elevation of the proposed building is a peculiar architectural feature.

- *4.3.5 Locate front doors at an elevation that reflects the dominant and desirable pattern of door heights in the neighbourhood. A first floor elevation that is the average of that of the surrounding homes, allows for better compatibility with the neighbourhood pattern of doors, entries, porches and landscape. Figures 23 and 24: Front doors and windows close to grade offer an attractive edge to the public sidewalk. Lowering the elevation of the first floor reduces the need for stair projections thereby allowing for maximum soft surface front yard area.*

See above comments – There would be better compatibility if first floor elevation is similar to that of the surrounding homes.

- *5.0 Parking and Garages 5.5 In neighbourhoods with open rear public lanes and on corner lots, provide parking in the rear with access from the lane or flanking street. Figures 28 and 29: A single shared access driveway for multiple units matches the neighbourhood pattern of parking at the back. A single vehicular access reduces vehicle/pedestrian conflict, allows for more soft landscaping in the front yard, and permits more on-street parking.*

The plans filed with the Committee place a proposed three car garage in the south-east corner of the rear yard. Even with the rear yard parking access available from the Brunswick Lane, the garages are not cited in the best location, nor is there an attempt to integrate the garages/carports into the rear of the building as suggested in Figures 28 & 29. Recessing the garages or carports into the rear of the building would allow for rear yard decks above, more green space in the rear yard, some visual transitioning in the rear building wall and perhaps an opportunity to save a mature rear yard tree. (At the very least, we would expect the garages to be located in the north-east corner of the yard, which would place them slightly further away from Springhurst Park and leave some green space to the rear of the building back exit door.)

Test 2: The variances do not maintain the general intent and purpose of the Official Plan (OP).

As a result of market demands, considerable residential intensification is taking place in the Archville sector of OOE. The OECA is mindful of the OP intensification and infill policies and supports sensitive residential intensification at specific locations in the community.

However, the Old Ottawa East Secondary Plan (SP) does not target the subject property for intensification. Further, the negative impacts of the requested variances, as indicated in test 1 above, do not satisfy compatibility criteria set out in the OP – specifically regarding ground floor elevation; building height and massing; outdoor amenity areas; privacy; and sunlight.

The purpose of OP Amendment No. 92 dated September 23, 2011 is to add a Secondary Plan (SP) to the OP to direct future development of OOE and provide policy direction for future development proposals, including Committee of Adjustments applications. Please refer to the following excerpts below. The SP, although focused on Main Street, is also responsive to a vision of the Old Ottawa East community as a whole. The Plan, in part, is based on the Design Objectives and Principles of the Official Plan Section 2.5.1... and “Infill Housing Design Guidelines”... An implementation strategy and resulting zoning by-laws is directed by the following policies.

10.2 General Land Use and Design Policies – Part 2.

Design guidelines will be prepared to encourage infill development that is compatible with adjacent buildings. The Design guidelines will offer a means of conserving the cohesiveness of existing streetscape types and discouraging incompatible infill development.

10.2.3 Intensification Target

Consistent with the growth management strategy in the Provincial Policy Statement and the Official Plan, the City will set targets for the intensification of dwellings and jobs within the urban area of the city. The target areas include Traditional Mainstreets and Mixed-use Centres, such as Main Street and Lees Avenue East in Old Ottawa East. The charts below outline the minimum number of new dwelling units and jobs for these areas. They expand on the targets outlined in the Residential Land Strategy for Ottawa 2006-2031 (February, 2009) to include all lands other than Immaculata High School and St. Paul University.

Traditional Mainstreet:

<i>Street (property)</i>	<i>Dwelling Units</i>
<i>Main Street (Clegg Street to Echo Drive)</i>	<i>200</i>
<i>Hawthorne Avenue</i>	<i>150</i>
<i>Oblate Lands, Sacre Coeur</i>	<i>1000</i>
<i>Church Properties</i>	<i>100</i>
<i>Mazenod School</i>	<i>50</i>
<i>Total</i>	<i>1500 Intensification Target</i>

Mixed Use Centre:

<i>Mixed Use Centre</i>	<i>Dwelling Units</i>	<i>Jobs</i>
<i>Lees Ave. East</i>	<i>750</i>	<i>946</i>
<i>Target Density</i>	<i>250 people, jobs/gross hectare</i>	

10.3 Neighbourhood and Precinct Policies

10.3.6 Old Ottawa East Residential Neighbourhoods - Archville, Spenceville and Rideau Gardens

- 1. Maintain the general character of these neighbourhoods as expressed by the existing zoning.*
- 2. Maintain the traditional pattern of pedestrian priority along the street with any garages relegated to the side or rear of homes and not projecting forward or otherwise dominating the building façade.*
- 3. Intensify these neighbourhoods primarily at their edge, as a transition to denser development sites and where they abut an Arterial or Collector road. Notwithstanding this, building heights will be maintained at low-rise levels overall.*
- 4. Infill with residential development that is consistent with the Infill Housing Design Guidelines for Low and Medium Density. (As of May 2012 referred to as Urban Design Guidelines for Low-rise Infill Housing)*

Test 3: The variances are not minor

The test of whether the variances are minor in nature is usually assessed based on impact. In our opinion, the proposed development will have a significantly negative impact on the neighbourhood crying for compatible redevelopment. As indicated above, the effect of reducing the required lot width, lot area and rear yard setback coupled with an obvious lack of consideration to good design and planning principles would be out of character with the neighbours and the CDP vision for the area. There is not a need for over development on this property, especially when the adverse impacts can be diminished.

Test 4: The variances are not desirable and not appropriate for the development of the land.

This proposed redevelopment is an important and significant infill for this stretch of Chestnut. The recently enacted new infill regulations and the slightly amended Infill Guidelines require a more sensitive approach to development in mature neighbourhoods. The OOE SP calls for the general character of the Archville neighbourhood to be maintained as expressed by the existing zoning. The OOE SP also makes it policy to provide residential infill development that is consistent with the Infill Guidelines. Objective criteria is available to evaluate compatibility, including height, bulk, scale relationship and building/lot relationships. As indicated above, this proposed redevelopment presents an undesirable and inappropriate change to the community.

We hope the above comments are useful to the Committee in their consideration of this application. We trust the Committee will not grant the relief requested by this application for minor variances.

Sincerely,

John Dance

John Dance
President
OECA
Old Town Hall
61 Main Street
Ottawa, ON
K1S 1B3

Cc: via email only

Pierre Sadik - Councillor's Office, Capital Ward

Kimberley Dandy – City of Ottawa Planner, Development Review

Stephen Pope – OECA Planning Committee Chair

Paul Goodkey - OECA Planning Committee