



August 24, 2021

RE: Land Use Planning Opinion
1545 Bank Street
City of Ottawa

Dear Madam,

I write to provide a Land Use Planning Opinion pertaining to the redevelopment of the above captioned lands, located on the northeast corner of Bank Street and Evans Avenue, north of Heron Road, within the City of Ottawa ("*Subject Lands*").

Professional Qualifications & Documents Reviewed

This Land Use Planning Opinion, as prepared by the undersigned is a qualifiable professional opinion. As Principal of Blackthorn Development Corp., I am a Full Member, in good standing with the Canadian Planning Institute (*CIP*) and a Registered Professional Planner with the Ontario Professional Planning Institute (*OPPI*).

As a professional Planner, I have over 20 years of professional experience including land use planning, policy planning and project management experience, with past and active Projects across the Greater Toronto Area.

To prepare this Land Use Planning Opinion, I have reviewed the following documents and undertaken communications and discussions with Land Use Planners (*Novatech Planners*) representing the Registered Owner and the City Planner responsible for Approvals related to the Subject Lands.

Documents reviewed include:

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- i. *City of Ottawa Official Plan*, office consolidation.
- ii. *City of Ottawa Zoning By-law No. 2008-250*, as amended.
- iii. *City of Ottawa amending Zoning By-law No. 2020-299*.
- iv. *Plan of Survey*, as prepared by Farley, Smith & Denis Surveying Ltd.
- v. *Appraisal Report* dated April 8th, 2021, and prepared by Altus Group Ltd.
- vi. *Site Plan Control Application Delegated Authority Staff Report*, as issued by the City of Ottawa and dated December 6th, 2018.
- vii. *A Site Plan Agreement* dated December 10th, 2019, as issued by the City of Ottawa including correspondence from the City dated March 5th, 2020, confirming Site Plan Approval.
- viii. *Architectural Plans (Approved Plans)* prepared by chmiel architects.

Current Official Plan Designation and Zoning of Subject Lands

The Subject Lands are designated 'Arterial Mainstreet' per Schedule 'B' of the *City of Ottawa Official Plan* and further designated as 'Connecting Areas' per Volume 2A, Appendix A – Land Use of the *Bank Street South Secondary Plan*.

The Subject Lands are presently zoned 'Arterial Mainstreet Zone' (*AM 1-1913 Zone*) with Exception No. 1913 per the *City of Ottawa Zoning By-law No. 208-250*, as amended.

Previously Approved Site Plan Control Application

On December 10th, 2019, a Site Plan Control Application (*City File No. D07-12-18-0159*) was approved by the City of Ottawa. The approved Site Plan includes a mixed-use redevelopment of the Subject Lands consisting of:

- i. A total Gross Floor Area (*GFA*) of 6,937.3 Square Metres (*74, 672 Square Feet*) within an 8-storey apartment building, 140 residential apartment dwelling units together with Ground Floor Retail uses, two levels of underground parking and a total of 58 parking spaces.

As further described below, it is important to note subsequent revisions to the Zoning By-law, by the City of Ottawa would not permit the issuance of a Building Permit for the Approved Site Plan. This is due to the Approved Plans not being in conformity with the revised provisions of

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the Zoning By-

law, as it relates to a required 20 metre setback from existing residential dwellings.

Contemplated Revisions to the Approved Site Plan

As communicated by you and per the Appraisal Report, the Registered Owner is intending to revise the Approved Plans to incorporate townhouse dwellings within the ground floor, while adding another storey, totalling 9 storeys and 10,066.78 Square Metres (*108,358 Square Feet*) of GFA including 110 residential apartment dwelling units.

In discussions with the Registered Owner's consulting Land Use Planners, the changes noted above were not deemed advisable per the opinion of the consulting Land Use Planners. Rather, advice was provided to the Registered Owner to maintain any changes within the existing development envelope including changes to Unit Types (*e.g., Number of Bedrooms*) which would be welcomed by the City.

Further, no consultation was undertaken, by the retained Land Use Planners, with the City of Ottawa regarding the contemplated revisions to the Approved Site Plan.

City of Ottawa Initiated Revisions to the Zoning By-law

As mentioned, the City initiated revisions to the Zoning By-law, as it pertains to lands located along the Bank Street corridor including the Subject Lands. Amending *Zoning By-law No. 2020-299* requires a 20-metre setback to existing residential dwellings. Existing residential dwellings are located within 20-metres of the rear of Subject Lands and the Approved Building is located within the required 20-metre setback. As such, despite the Site Plan being Approved, a Building Permit cannot be issued until such a time as relief from the Zoning By-law is obtained.

Relief to the Zoning By-law will require either a Zoning By-law Amendment application to revert the zoning provisions to the previous in force provisions, on a site-specific basis or alternatively, the Registered Owner can seek relief through a Minor Variance Application.

In discussions with the retained Land Use Planners, they intend to proceed with a Zoning By-law Amendment application but will consider the possibility of a Minor Variance application.

No formal consultation with the City has been undertaken to date regarding the filing of an application to remedy the zoning deficiency.

However, the City Planner advised such an Amendment would be considered a minor rezoning process given the administrative and unintended nature of the zoning deficiency.

Whether a Zoning By-law Amendment or Minor Variance application(s) is advanced to remedy

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the zoning deficiency, both application types require a Public Hearing along with Public Notice and can be subject to a potential Appeal(s) before the Local Planning Appeal Tribunal (*LPAT*).

Since such an application(s) would seek to implement an already Approved Site Plan, the likelihood is City Staff would support the Approval of the same, as it will permit the Site Plan to proceed, as approved by the City.

The Registered Owner could also advance further revisions to the Zoning By-law for the purposes of advancing the contemplated revisions to the Approved Site Plan. Though, as noted advice to the Owner was to maintain any changes within the currently approved building envelope.

Qualified Land Use Planning Opinion

As a Full Member of the Canadian Planning Institute (*CIP*) and Registered Professional Planner with the Ontario Professional Planning Institute (*OPPI*) it is my professional opinion the Subject Lands are Site Plan Approved and the approved redevelopment of the Subject Lands can proceed in accordance with the Conditions of Site Plan Approval, upon approval of either a Zoning By-law Amendment or Minor Variance application, required to address the above noted zoning deficiency.

A timeframe of approximately **6 to 8 months** should be anticipated to resolve the Zoning deficiency, provided no Appeals are filed and the contemplated changes to the Approved Site Plan do not include exceedances in height and density and simply seek to address the setback deficiency. Once the Zoning deficiency is resolved, the Approved Site Plan can proceed with the clearance of Conditions of Approval and the eventual issuance of a Building Permit.

End of Land Use Planning Opinion.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Yours truly,

BLACKTHORN DEVELOPMENT CORP.

Maurizio Rogato, B.U.R.Pl., M.C.I.P., R.P.P.
Principal